

THE CASE  
OF  
PATRONAGE  
STATED,

ACCORDING TO THE LAWS,  
CIVIL AND ECCLESIASTICAL,  
OF THE REALM  
OF  
SCOTLAND.

BY  
A MEMBER OF THE CHURCH OF SCOTLAND

GLASGOW:  
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J. DICKSON, EDINBURGH.  
M.DCC.LXXXII.

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THE attention of the Scotch public is so much taken up, at present, with the affair of Patronage, and the mode of filling up vacant ecclesiastical benefices most likely to advance the interests of religion, and best calculated to promote the peace and prosperity of the church, and the spiritual and temporal advantages of society, in general; and so many take the liberty to speak and to write upon the subject, who have not been at proper pains to acquire a competent knowledge of it, and, by their unguarded and mistaken speaking and writing, mislead ignorant people to a degree so dangerous to the peace and safety of the community; that it seems to be no improper or unworthy employment, for a man whose profession and inclination lead him to examine into such subjects, and who has actually turned his thoughts to the investigation of the present much agitated question, to state briefly to the public how the point stands, according to the laws of our land, and the corres-

ponding acts and constitutions of our church, from the first dawns of a legal establishment of the same to this day.

To hear of murmurs, and, as often as they dare, of associations and declamations from the lower orders of mankind, ever grasping, in a free state, at powers with which the law does not intrust them, and which cannot be confided in their hands, without imminent danger to the public tranquillity, is no new thing: to read inflammatory effusions, in the newspapers, against the first and most respectable and sacred persons and institutions, without the least knowledge of, or regard to, law or reason, and to hear the same or the like effusions in six-penny spouting-clubs, surprises nobody: nothing that the rage of innovation can now produce ought to surprize, while the venerable fabric of the British constitution is tearing up, by the roots, not by Reformers or Revolutionists, not by men, but by children, just emerged from the birch, and hardly breeched: but, it is somewhat astonishing, and even grievous, to every well-wisher of the Church of Scotland, that her most sacred constitutions, the most firmly established by the laws of both the church and the state, should be attacked by her own sons openly; that there should not be wanting decisions of her courts, from the lowest to the highest, subversive of her most valuable rights and privileges; and that the public speeches of our most declamatory ecclesiastics should betray so little attention to, and knowledge of, the first principles of our ecclesiastical polity.

The British island and constitution, which, there is now reason to suspect, leaves men too much to follow their own devices, and to abuse their liberty and the blessings of the government, furnishes perhaps the only other instance on the records of history, of an order of men, and that a religious order, such as is seldom suspected of being either blind or inattentive to their own interest, attempting to root up their own foundations, and to have their legal and fundamental establishment reversed and cancelled by Act of Parliament. It is but a few years since a very great part of the Church of England got one of the most noted patriots and reformers of our day to introduce a bill in Parliament for repealing and rescinding, at once, every law and constitution ever made for the establishment of that church. In short, subscriptions, confessions, examinations, and whatever constitutes a church or associated order of men, was to be done away, at one stroke, and the only qualification to be required of future ecclesiastics was a general acknowledgement of the truth of the sacred scriptures. It is true, they were the juvenile, though the most numerous part of the Church of England, who set this hopeful project on foot, and they were such members of the Senate who do not pretend to, and would not be suspected of, religious principle, who patronized it; but, it is equally true, that the senior part were either too indolent, or too luke-warm, to make any effectual opposition, computing, it would seem, that the old and well established foundation would last out their time, whatever acts

*a very small part*

*not so*



might pass. They apprehended no acts which would directly affect or take away their benefices, and so they left the more hot-headed to raise what combustion they pleased. The only stir raised, and hearty opposition given, was by nine Dissenters, mostly the members of the Scotch presbytery of London, who petitioned the House of Commons, and craved to be heard by their council against the repeal of the articles and constitutions of the Church of England. These men had subscribed the Church's articles of faith, which are, in substance, the same with ours: as Presbyterians they knew, that no church could subsist without a legal establishment, and the security of tests, subscriptions, and a subordination of ranks and jurisdictions: and, as men of sense and information, they knew that their civil and religious interests were so involved with those of the national established Church, that both must stand or fall together. This feeble, though to the authors highly honourable, opposition, could, by no means, stem the torrent. The bill failed, through the remains of respect, in the late minister, to the faith in which he was baptized and bred; and, still more, through the well-known piety and regard to religion of his royal Master: and, perhaps, both were not without their fears of the consequences of undermining so antient and deeply founded a fabric, whose constitution was so intimately interwoven with that of the State. So the form, at least, of the Church of England has subsisted, and survived this self-murdering attempt, for about eight years longer.



We have one advantage over our elder and richer sister church, of which she has been deprived for more than half a century, which is that of regularly meeting in provincial and national Assemblies, so as to be able to unite in a collected body, for watching over and furthering whatever we apprehend to tend to promote the peace, interest, and stability of our church; and to oppose whatever may seem to threaten or portend her ruin, prejudice, or disquiet. This is, doubtless, an high and inestimable privilege, and which, if duly cherished and managed, ought to contribute greatly to our peace, comfort, and security.

But it is to be regretted that, in our church also, they are chiefly the younger members who frequent our public assemblies, and take the lead in the most important affairs of our national church; while our older and more experienced ecclesiastics, who are best acquainted with our church-polity, and whose authority ought to temper and regulate the ardour of younger brethren, too often keep aloof, and absent themselves, either through infirmity, indolence, or a sense of security fallacious and not to be indulged, at such a crisis as this: a crisis at which men's heads seem to be agog after innovations, and the subversion of old establishments, so that if the present intemperate career of reformation holds on, "all old things will soon be done away," not in the Apostle's sense, "and every thing become new." It is also to be regretted, that the nobility and prime gentry of our land, formerly our sole ruling elders, and who constantly

attended our church judicatories, from the lowest to the highest, of which they formed the glory and the strength, have for many years neglected that sacred character, and discontinued their former zealous attention to our ecclesiastical affairs, in so much that now few of them are to be seen in our supreme court, and those few upon very particular occasions only, and none in our subordinate judicatories on almost any occasions, where their place is nominally supplied by mechanics, and others selected out of the dregs of the people. To these two causes, most momentous alterations which have gradually and insensibly taken place in our church, are to be ascribed the many innovating overtures, acts, decisions, and resolutions of our ecclesiastical Assemblies of late, so contrary to the spirit and letter of our constitution, and which it were an easy, though ungrateful and invidious task, to collect and point out.

Yet, would it be most uncharitable and unfair to suppose, that such members as do generally constitute our ecclesiastical Assemblies, many of whom scruple not to pour forth the most inflammatory effusions, and to give the most illegal votes, in the face of our fundamental laws and first principles of ecclesiastical polity, are guilty of either misrepresentation or prevarication. It is more just and reasonable to believe, that they all utter their real sentiments for the time; if a few hot or intriguing heads are excepted, who frequent such assemblies, but to make them subservient to their own interested views of popularity or profit. But, it is no

breach of charity to suppose, that very many of our ecclesiastics, especially those of the younger class, deeply engaged and occupied, if not embarrassed, with the discharge of the necessary and multifarious duties of their office, may have very little time to make themselves acquainted with the principles and laws of our ecclesiastical polity, as most of them are known to have a very scanty supply of, and difficult access to, the best sources of information on the subject; so that, though honest and ingenuous as men, they may be liable to great and dangerous errors as judges; and though strangers to intrigue, and without sinister views of their own, they may be made the dupes of the masqued designs of other artful and interested men.

To convey information to such, by briefly stating, as far as the question about the disposal of ecclesiastical benefices is concerned, the fundamental rules of our church, as the same have been established by acts of parliament and by her own, is the professed design of these pages. The Author is not vain or inexperienced enough to imagine, that all who may cast their eyes upon them will be much moved with his facts, quotations, and arguments, however important, authentic, and solid these may be. Men of intrigue, who, through the dark mazes of political manoeuvres, pursue interested designs of their own, whether of power or profit, are not usually much affected by general reasonings and deductions, whose object is the establishment or preservation of public peace and order. As little attention and regard to such argu-



ments is to be expected from those vain and ambitious demagogues, who, from motives less base, perhaps, though not of less pernicious tendency, than those of the former, are ready, upon every occasion, to sacrifice the peace and interest of their church, together with their own, to the wretched idol of popular breath, fleeting and unstable as the air that is polluted by it. And, as to those who, without principles of their own, have pinned their faith upon other mens sleeves, and allow themselves to be blindly led by a party, under whose banner local situation or some other accidental circumstance may have once enlisted them ; always voting one way, even when they do not scruple to own that to be the wrong way, *in order to be consistent*, that is, because they happened to vote with that party formerly ; to expect to shake prejudices so taken up, and so cherished and rooted, from motives of legal authority and public expediency, would, it is feared, be a vain hope, and the attempt prove but fruitless labour. Men of such descriptions and sentiments never regard how a question or cause comes circumstanced and modified before them, or what may be the consequence of the determination or decision that is given upon it ; but, consider only what course their own interests, prejudices, or party principles and practice, dictate as most proper to be observed, on the occasion.

But, it is to be presumed, that the Church of Scotland has many sons, nay, that a great majority of her sons are such, who are sincerely attached to her constitution ; and who, though they may occa-



sionally mistake, yet, would not knowingly sacrifice or betray her peace or interest from any motive, or or for any consideration whatsoever. Just information, seasonably conveyed, to such candid minds, at a crisis like the present, may not, perhaps, be unserviceable to the public; but, may be productive of some happy consequence towards the preservation of the peace and good order of our national church. And, if a few, if but any, such ingenuous minds are influenced, and either directed or confirmed, by what may here be urged, in the choice and pursuit of such means and measures as may be most conducive to the preservation of good order, and to the stability of our happy ecclesiastical establishment, the labour of this little publication will be overpaid, and the aim of its author completely answered.

In order to this, it is proposed to give, *First*, A concise, but not imperfect, view of all the Acts of Parliament, whose object is to settle and establish the worship and discipline of our Church, from the first legal acknowledgement of the same, down to this day; particularly pointing out and quoting the clauses in those acts, which have a more immediate reference to the question of Patronage, which, at present, so much divides the opinions of churchmen, and is so much an object of attention and discussion with all men. *Secondly*, It is intended to exhibit the like concise, but continued, view of all the Acts and Resolutions of Assembly, which have any relation to, or serve to throw light upon, the same question; from whence it will incontestibly appear, that our civil and ecclesiastical assemblies have been

more harmonious, and the acts and votes of the one, more an eccho of those of the other, than some men are fond of owning; who, usually and most unjustly, represent our church as relying more upon the caprices of a mob, than on the authority and mature decisions of the legislature, and call that our most glorious aera, when there was neither law, legislature, nor constitutional authority, all being swallowed up in distraction and anarchy, or subverted and trampled down by a most cruel and ignominious military despotism. *Lastly*, Such reflections and observations will be interspersed or subjoined, as naturally arises from the subject, and tend to illustrate and ascertain the principles of our church, with respect to the disposal of ecclesiastical benefices, and to decide the present disputed point of the rights of Patrons, and the justice and expediency of continuing the exercise of the same.

*First*. The grand charter of the establishment and privileges of the Church of Scotland is the Act Parliament 1592, being the first act of a full and free parliament under a sovereign of mature age, acting freely, and under no restraint from any faction, by which the liberty of the *trew kirk* was ratified, and our form of worship, and discipline by presbyteries, synods, and assemblies, was fully and finally established, to the exclusion of every other model of a church within this realm. Accordingly, this was the only act of parliament to this effect, which the Revolution Parliament of 1690 thought worth reviving and confirming; while they rescind and make void a multitude of subsequent acts, which

directly or indirectly took away, or incroached upon, the privileges and powers granted and ratified by the act 1592. The same is also the act quoted and grounded upon, by the General Assembly 1638 and others, as the grand and first solid foundation of our legal establishment and security, as the national church. Not that this was the first law by which our church was acknowledged, and her worship and discipline allowed of, or, at least, tolerated. There had been many laws made in her favour, from that with which the Guid Regent began his administration, 1567, in which the whole articles of the Confession of Faith, as it then stood, are recited and authorized by parliament; which act was afterwards repeatedly referred to, and confirmed by the acts of subsequent parliaments and conventions, under the regencies and administrations of *Murray's* successors. In all these consecutive acts of the legislature, from the year 1567, or, rather, from 1560, when the first provision was made, by the state, for the ministers of the Presbyterian persuasion, there is not one statute, having any relation to the temporalities of the church, in which the most express provision and reservation is not made of the rights of the lay patron, without the least complaint from the ministers, into whose thoughts it had never come to pronounce the words *patronage* and *grievance* in the same sentence: and, this was done, not in the style of a new enactment, which would be highly improper and unjust, but by clauses declaratory of the law of the land, in that respect from



time immemorial, which was the natural style, agreeably to the truth of the case.

The words of our grand charter of 1592 are as follow, " And therefore ordainis all presentations  
 " to benefices to be direct to the particular presby-  
 " teries, in all time cumming, with full power to  
 " give collation thereupon, and to put order to all  
 " causes and matters ecclesiastical, within their  
 " bounds, according to the discipline of the kirk :  
 " providing the foresaids presbyteries be bound and  
 " astricted, to receive and admit quhatsumever  
 " qualified minister, presented by his Majesty or laick  
 " patrones." Not different is the proviso and re-  
 servation of Regent Murray's act in 1567 : " Item,  
 " It is statute and ordained by our soveraign Lord,  
 " with advice of his dearest Regent, and the three  
 " Estates of this present parliament, that the exa-  
 " mination and admission of ministers, within this  
 " realme, be only in the power of the kirk, now  
 " openly and publicly professed within the samin :  
 " the presentation of laick patronages always refer-  
 " ved to the just and auntient patrones; and that the  
 " patroun present and qualified persoun, within six  
 " monethes, after it may come to his knowledge of  
 " the decease of him, quha bruiked the benefice of  
 " before, to the superintendent of thay partis, where  
 " the benefice lyes, or uthers havand commission  
 " frae the kirk to that effect." &c. Which is fol-  
 lowed by a reservation of the kirk's jus devolutum  
 at the expiration of six months, and of her power  
 to judge of any objections made to the presentee,  
 according to the order of proceeding observed at this



day. The act of the same year, 1567, ratifying all grants, gifts, and provisions, of benefices elective, "given and disposed under the privy seal," by Q. Mary, during her reign, from 1560, concludes with these remarkable words, "Providing that this present act be not prejudicial to the act of Secret Council granted in favours of the ministers, anent the giving to them all benefices, within zeirly rent of three hundred merkis, sen the dait of the said act; nor, zit be prejudicial to the laick patronages." In like manner, in the act of King James's seventh parliament, ratifying all former acts in favour of our ecclesiastical establishment, is this explicit provision, "Item, It is statute and ordained, by our soveraine Lord, with advice of this present parliament, that all benefices of cure, under prelacies, sal be presented be our soveraine Lord, and the laick patrones, in favour of abill and qualified ministeris, apt and willing to enter into that function, and to discharge the duties theirowf:" a constitution far from being meant to aggrieve the clergy, but to conciliate and please them, as appears evidently from the following words of the statute, viz. "And in case any fall happen to be given and disposed utherwise heireafter, decernis and declairis the gites and dispositiones to be null, and of nane avail, force, nor effect." And, in his act of reassumption and annexation to the crown of the lands of abbeys and monasteries, in 1587, said in the act to be, in fact, the property of the crown originally, which had been unnecessarily and unprofitably alienated in favour of the clergy; we read

the following saving clause, among others, “ And  
 “ finally exceptand and excludand forth of the said  
 “ annexation all lands, baronnies, tenements, an-  
 “ nual-rents, and utheris commodities quhatsum-  
 “ ever, quhilkes pertained of before, to quhatsume-  
 “ ver benefice, great or small, being of laick patro-  
 “ nages, to the quhilk the said annexation shall  
 “ nocht be extended, nor comprehend the same;  
 “ to the effect that none of the saidis laick patro-  
 “ nages be hurt nor damnified thereby.”

Five years after, James, both to quiet the clamours of the younger and more zealous ministers, whom he wished to conciliate and keep in temper, and because farther annexations well suited with his scanty revenue, agreed to abolish the prelatie order entirely, by the act of 1592, though not without the usual and never omitted clause in favour of the legal rights of the patrons of ecclesiastical benefices, as we have seen. Many other statutes, to the same purpose, might be quoted, such as one in 1594, another in 1609, another in 1612; with numberless ratifications to private persons of the patronage of churches of their own erection. Thus, it appears, with what jealous care, the parliament watched over and secured to the lay patrons their legal right to dispose of ecclesiastical benefices, during this early period of our church: as the acts of assembly will show, even at a later period, and when the church carried her claims higher, how far our clergy were from complaining of those legal exceptions and provisions, for securing the rights of individuals. The truth is, that our early reformers, though very zealous af-

fertors of the rights of conscience, and the liberties of *halie kirk*, were very modest and very moderate men, if compared with some of their successors. They desired only what as men, as citizens, and as ecclesiastics they had the best title in the world to claim, the countenance and protection of law: but, they were very far from wishing the subversion of that constitution of which they craved the protection; and while they laid claim to legal security themselves, were not inconsistent or unreasonable enough to require that other citizens, and many of these the first and most distinguished men in the nation, should be stript of those possessions and rights which the law had secured to them and their progenitors, from time immemorial.

They also desired, as was very natural for them to do, some legal provision to relieve them from their urgent necessities. For, finding themselves deserted by the *Lords of the congregation*, who had no sooner reared their own fabric of ambition and avarice than they quickly kicked away the scaffolding, and being in want of every thing, they necessarily turned their eyes and lift up their voices to the state for relief. The first relief was granted, and provision made for them, by the beneficent but ill-fated Mary; who, though of a different religious persuasion herself, could not bear to see so distinguished a class of her subjects as the whole order of the reformed clergy struggling with such penury and distress; but, gave them, at once, what was a great and munificent grant for her to make, though far short of what their necessities required. She gave them



all benefices not exceeding 300 merks, together with a moiety of her thirds of the value of all other benefices. Partly from the necessities of the crown itself, and partly from the artifices of the titulars and impropiators, this last part of the grant was not well or punctually paid, till the same was renewed and regulated in parliament, by *James*, in 1572; which, however, was not done without the usual saving clause, in favour of patronage, in these words, "Providing always that this present act prejudice not the laick patrones." So uniform and invariable is the tenor of our civil code upon this head.

Not many years after, *James*, naturally fond of pomp and pageantry, began to wish for the restoration of his third estate of parliament, bishops and dignified ecclesiastics, at least, in name; for, their revenues had been, by this time, so dissipated and alienated as not to be recoverable, in any considerable degree, so that they could never more be restored to their former power and splendour. What produced this revolution in the mind of the King, who was not, in general, unfavourable to the principles of Presbytery, nor of a temper to persecute or oppress any man, was the flattering dependence upon his sole pleasure, in which he found the clergy and church of *England*, upon his accession to the crown of that realm. There he found himself declared, by law, head of the church, in the most ample form, and unlimited terms, and equally so in spiritual as in temporal concerns; so that he had as good a right to make creeds, and prescribe modes of worship and rules of church discipline, as he had to nominate the

no such  
thing!



persons who should fill up vacant ecclesiastical dignities and inferiour benefices. That high title and unconscionable power and prerogative had been assumed, through the mean condescension of a slavish parliament, by the blustering bully, *Henry VIII.*; and exercised with such capricious and frantic tyranny, that it required all the address of the moderate and excellent Archbishop *Cranmer* to save the remains of the church and the two Universities from his rapacious claws, and to protect the reformers, even his own protestant queen, from the rage of his cruel persecution. His daughter, *Elizabeth*, who inherited her father's principles of tyranny, though more politic and moderate in the exercise of it, and more favourable to the protestants, who favoured her power, and very doubtful right to the crown; would never suffer these immoderate pretensions, or any other point in which her power and prerogative were, any way, concerned, to be explained, modified, or, at all, treated of or called in question, by any of her parliaments.

Thus, *James*, used to legal authority only, and to the exercise of a very limited power and prerogative, in Scotland; upon his accession to the crown of England, succeeded, at once, to the most despotic titles, and most dangerous prerogative, intire, established by law, long practised, and acknowledged by all men, as inherent in, and appended to, the royal dignity. The style of these high titles, powers, and pretensions, was not less agreeable to the ears of *James*, than it was to those of his predecessors of the *Tudor* line; tho', happily for these lands, the milki-

ness of his temper did not dispose him to go beyond big words, or to exercise his power to the prejudice, oppression, or grievance of any man. Yet, much accustomed, as he had been from his youth, to scholastic divinity, the favourite exercise and science of the age; and believing himself, not without reason, to be a considerable adept therein; he was fond of modeling churches, and of presiding in ecclesiastical conferences and theological disputes; though without a thought of converting those who differed from him, to his faith, by the argument of faggots, like Henry VIII.

With such a temper, and with these principles, and under colour of the much abused term of *uniformity* of religious worship and ceremonies, throughout all his dominions, did *James* set about new modelling the Church of Scotland, in 1606, in his usual moderate and compromising manner. The act of that year was passed by the parliament at Perth, for restoring the bishops, one of the legal estates of parliament, to their ancient rights and dignities; which is ushered in with a declaration, in the preamble, that it never had been the intention of the act of annexation of the temporality of benefices to the crown, anno 1587, thus indirectly to abolish the estate of bishops, and, by so doing, to subvert the ancient and fundamental policy, consisting in the maintenance of the three estates of parliament. It was no longer in *James's* power to restore his prelates to their revenues. But, what he could do for them, he did do. He restored to them, by this act, as much of their revenues as had fallen into his own

hands; which was only small quit rents out of their estates, reserving to those lessees and feowers, who had obtained grants of bishop's lands, after 1587, on very easy terms, the benefit of such grants and leases. And, as to chapters, the members of which he ordered to be elected, by the bishops, out of the gravest and wisest of the ministers; he provided for their support, in the best manner he could, chiefly by bestowing upon them a number of benefices, known afterwards by the name of *common kirks*, of which the chapter was to enjoy the stipends in common, and to do the duty by rotation, without settling a local minister in any of these parishes.

So far *James* carried his model of an hierarchy in Scotland, and no farther; to the displeasure, indeed, of the younger and more furious of the ministers; but, with the consent, if not approbation, of the more moderate and experienced. To these, who had lived with *John Knox*, and had been acquainted with, and habituated to, his idea and plan of church policy, the constitution of *James* was neither new nor odious, which differed from his in nothing but the name. *Knox* had too much sense to fancy that any constitution could stand, without a due subordination of ranks. A subordination of courts, each consisting of equal members, and rising in due degree, one above the other, he had no idea of; for, the Geneva model had not been finished and perfected in his day. But, a subordination of persons, rising in rank and power, one above another, he understood perfectly, and adopted. He, therefore, appointed, in every diocese, a superintendant, a sy-



nonymous term for a bishop, and a literal translation of the original term for that office; with as much power and authority as a bishop ought to be, or usually is, invested with: that is, with the sole power to confer ordination, to preside in all synods, and to direct church censures; a sort of moderate impartiality, among ecclesiastics, approved of by the Lords of the congregation, and agreeable to, and willingly acquiesced in, by the people, in general.

To those who had lived under this form of church government, there could be nothing odious in the name of a bishop; as long as he was not armed with any powers oppressive or tyrannical, or subversive of the legal liberties and avowed principles of the established clergy. To introduce such powers, as were contrary to the principles, liberties, and established forms of the clergy, was very remote from the intention of *James*. He chose the most moderate men for his bishops, and directed these to make the like choice of ministers for their assessor, or members of their chapters; and invested them with such powers as could be grievous to no man, while every ecclesiastic was allowed to perform worship in his own manner, and all church affairs were determined by plurality of voices, without pretensions to a negative, or any other odious power, on the part of the bishop. Such bishops as these had been appointed, in the year 1572, by the Presbyterian clergy themselves, in concert with the Earl of Mar, then regent, in place of the superintendants, who were growing old and dying off. And, these bishops continued in office, till upon the importation of the *Geneva* mo-

del, now perfected, by Mr. *Andrew Melvil*, the order was voted out, by the assembly of *Dundee*, in 1580, as unlawful and contrary to the word of God. The King carried his idea of uniformity so far as to propose the practice of those few ceremonies of the church, commonly known by the name of the articles of *Perth*; because they were passed, though not without opposition, by the assembly which met at *Perth* in 1613, as they were, afterwards, ratified by parliament, in 1621. But, his bishops showed their moderation and good sense, in that, though the framing of a liturgy, similar to that of the church of England, had been recommended to them by the King, they never would agree to attempt the introduction of what they knew would be very odious to all the clergy of the Presbyterian persuasion.

It is hardly necessary to observe, that the restoration of the bishops made no alteration in the state of patronage, or in the laws relating to it; unless by the King bestowing the right of patronage of some benefices, particularly of the common kirks, upon the bishops themselves. Nor is it necessary to tell any tolerably informed man, that this model of a church, conducted by moderate and well-meaning prelates, subsisted during the whole reign of *James*, without noise or complaint from any, except from the turbulent and the factious. If any measure of *James's* ecclesiastical policy gave umbrage to the most serious and well-disposed of the Presbyterian clergy, it was not the re-establishment of such an hierarchy; but, the high pretensions set up in the

previous declaratory act of the parliament 1606, in which his Majesty's supremacy is acknowledged and declared, in almost the same style that is used in *England*; For, the parliament "truly acknowledges his Majesty's sovereign authority, princely power, royal prerogative, and privilege of his crown, over all estates, persons, and causes whatsoever, within his said kingdom, &c." For this style, not very usual with the parliament of Scotland, the parliament itself makes an apology, in the very body of their act; and the clergy were at no loss to perceive, that such an high strain of prerogative, however harmless in the hands of the placid *James*, with whose moderation they were well acquainted, might be greatly abused by a successor of a different temper; in which time showed that they were not mistaken.

Well had it been for the peace of this country, if the prudent and moderate policy of *James*, especially in church matters, had been copied in the succeeding reigns. But, this, unhappily, was not the case.

It had been the invariable maxim of *James*, never to present a Scotch bishop, who was not recommended to him, as well qualified and proper for the high, and then difficult, office, by his old and moderate bishops, who managed matters with the Presbyterians, with so much temper and prudence. Accordingly, says an unsuspected evidence, when blaming his own order, \* "The adversaries had also other advantages of them, as first, the want of harmony among the bishops; by reason that the younger, (who in

\* Bishop Guthrie, p. 13. et seq.



“ wisdom and experience were far short of the elder)  
 “ yet, were noways observant of them, which came  
 “ to pass upon this occasion. It had been King  
 “ *James's* custom, when a bishoprick fell void, to  
 “ appoint the Archbishop of St. *Andrews* to convene  
 “ the rest, and name three or four well qualified, so  
 “ that there could not be an error in the choice;  
 “ and, then, out of that list that King pitched upon  
 “ one, whom he preferred; whereby it came to  
 “ pass, that, during his time, most able men were  
 “ advanced.” A noble idea for a patron, a laudable  
 example, and most excellent security for the choice  
 of fit ecclesiastics, of any degree or denomination,  
 which was afterwards adopted by the General As-  
 sembly of 1642, and proposed, though with greater  
 latitude for choice, to King *Charles*, as a rule for the  
 choice and presentation of ministers; of which the  
 King approved, and readily consented to it, as shall  
 be seen in it's place.

“ But, King *Charles*,” continues my author,  
 “ followed another way, and without any consulta-  
 “ tion had with the bishops, preferred men by *moyen*  
 “ at court. So, upon *Buckingham's* commendation,  
 “ Dr. *Lesley* was made bishop of the Isles: at the  
 “ intreaty of *James Maxwell* of the bed-chamber,  
 “ Mr. *John Maxwell* was made bishop of Ross: and,  
 “ by the Archbishop of *Canterbury's* *moyen*, Mr. *Tho-*  
 “ *mas Sydeserfe* was made bishop of *Brichen*, and  
 “ Dr. *Wedderburne* bishop of *Dumblain*: and, when  
 “ *Sydeserfe* was removed from *Brichen* to *Galloway*,  
 “ Mr. *Walter Whitford* was made bishop of *Brichen*,

“ by the *moyen* of the Earl of *Stirling*, the secretary  
 “ of *Scotland*.

“ Now, among these late bishops, whom King  
 “ *Charles* preferred, none were generally esteemed  
 “ gifted for the office, except bishop *Maxwel*; of  
 “ whom it cannot be denied, but he was a man of  
 “ great parts: but, the mischief was, they were ac-  
 “ companied with unbounded ambition, &c. Thus,  
 “ the young bishops, not having been beholding to  
 “ the old bishops for their preferment, for that  
 “ cause they depended not upon them, but, kept a  
 “ fellowship among themselves apart; and, happen-  
 “ ing to gain an intimacy with the Archbishop of  
 “ *Canterbury*, caused him to procure from the King,  
 “ power to himself to prescribe to the old bishops,  
 “ things which they did not well relish.”

These things were orders extremely grievous to the Presbyterians, altering their form of worship, inroaching too far upon their favourite parity, and threatening the total subversion of the ecclesiastical order and polity to which they were attached. For, these new and arbitrary bishops, in concert with *Laud*, then bishop of *London*, who accompanied the King to *Scotland* in 1633, “ One who,” as Bishop *Guthrie* justly remarks, “ had much power with his Majesty, but, was generally hated by the people;” resolved to introduce into *Scotland*, not only a liturgy, but a book of canons, a book of ordination, and the high commission.\* They first set to work upon the liturgy, which was finished in 1636, and attempted to be introduced and used at *Edinburgh*,

\* Vide Act sess. 14. Ass. 1638.

on the 23d July 1637; and that, without any other approbation or authority than a mere act of Council:  
 \* “ Whereby they provoked against themselves the  
 “ most part even of those ministers, who were  
 “ Episcopal in their judgment, who thought it a  
 “ very sad matter, that a liturgy should be imposed  
 “ upon the church, without the knowledge and  
 “ consent of the church; and judged it such a dan-  
 “ gerous preparative, that thereby the civil power  
 “ might, in after-times, introduce any thing, tho’  
 “ never so hurtful to religion, and the church ne-  
 “ ver get one voice in it: and, they were the more  
 “ offended, in regard King *James* never pressed any  
 “ thing that way; but, whatsoever he would have  
 “ done, used to take a church way in it.” What  
 followed this hair-brained and ill-concerted project,  
 which brought destruction upon its authors, and  
 infinite calamities upon this nation, is generally  
 known, and candidly related by the honest Bishop  
 of *Dunkeld*. *Charles*, with the best intentions in the  
 world, had the misfortune to be a perfect stranger  
 to the humours of the *Scotch*, and their inviolable  
 attachment to the constitution and liberties of their  
 church; and was grievously imposed upon, not only  
 by the high-strained declaratory act of the parlia-  
 ment of Perth, 1606, already mentioned; but, still  
 more by the representations of his new and hot-  
 headed bishops; and most of all, by his lord-trea-  
 surer, the Earl of *Traquair*, who engaged, “ Upon  
 “ his life, to carry through the business, without  
 “ any stir.” This nobleman appeared thus zealous,

\* Guthrie, p. 18. and 19.



not out of affection to the hierarchy or the liturgy, but, to procure the ruin of the whole order of bishops; instigated by hatred and jealousy of Bishop *Maxwel*, who aimed at, and threatened to supplant him in the treasurership. It is true, Lord *Clarendon*, pleased with the treasurer's loyalty and attachment to the royal cause, acquits him of this charge of duplicity; but, it would seem that Bishop *Guthrie*, a *Scotchman*, who lived at the time, and himself one of the moderate bishops, is more to be depended on; when it is considered, that *Traquair*, tho' possessed of all power and authority in the kingdom, at the time, yet, having encouraged the wrong-headed bishops, and got them engaged far enough in the project of their ruin, took not one step, nor made the least attempt, to aid or extricate them. When the King was better informed, and learned, from fatal experience, what was most agreeable to the *Scotch* nation, he not only gave up the liturgy, and the hierarchy too; but, readily granted all the demands of the assembly, in favour of their liberties, mode of worship, and model of church polity. Unhappily, his concessions, tho' prompt and gracious, came too late. The troubles were begun, and jealousies and animosities gone too far, to be allayed, or satisfied with any concessions.

But, an alteration in the law of the land, respecting the patronage of ecclesiastical benefices, was none of the demands of the Church of *Scotland*. That was never mentioned, far less enumerated in any catalogue of their grievances. Our excellent fathers, the restorers. or, rather founders, of our

church, were too reasonable to desire that the provision made by the state, for the support of the church, should not be in the disposal of the state: they were not ambitious enough to desire to be patrons or disposers of benefices themselves, one of the things which they condemned in the hierarchy; and, thought it enough that the clergy should be the sole judges of the qualifications of those, whom the lay patron should present: and, with all their tenderneſs for the consciences, and even, for the humours, of the lower people; they had too much good ſenſe to deſire, or to wiſh, ſo prepoſterous a thing, as that theſe ſhould be either the judges or the chooſers of their teachers. There was no alteration made, propoſed, or once deſired, in this matter, by any order of men in our nation, as long as reaſon ruled, law had any authority, and the conſtitution ſubſiſted.

But, after the murder of the King, the ſubverſion of the law and conſtitution, the degradation of the nobility, and the conſiſcation or amerſing of both nobility and gentry, at the caprice of a military deſpot, had taken place, in the neighbouring nation; and ſuch of theſe calamities, as had not yet reached our nation, nearly threatened it, as they, in fact, ſoon overwhelmed it; then, indeed, in the year 1649, the convention of *Scotch* eſtates, while they had it yet in their power, endeavoured to ſet the beſt order to things within the realm, which the unhappy circumſtances of the times could admit of. Among other provisions, there being neither law, nor, conſequently, legal patron, they veſted the

power of electing ministers in the Kirk-session of the parish alone: a very proper patron, as kirk-sessions were then constituted; and a more eligible patron, at any time, than one of the Tyrant's captains or dragoons. For this pious care of the church, the General Assembly, then sitting, returned their *approbation* \* only to the convention; together with a petition for settling minister's stipends out of the tithes, and for burthening the tithes with other pious uses within the parishes. When the Tyrant extended his conquests and ravages to this country, content with sacking our cities; degrading our nobility; punishing and plundering nobility, gentry, and citizens, at his pleasure; and getting the absolute command of all the wealth and power of the nation; he gave himself no trouble about kirk-presentations or settlements. So, matters remained, in this respect, as the convention of parliament had appointed; till law, once more, resumed her empire, and all men re-entered into the possession and enjoyment of their natural rights.

It is to be observed, on this head, that, under this temporary constitution, the clergy and the people remained just as they were before, with neither more or less power, in settling churches, than they possessed under the law of single patrons. The members of our kirk-sessions were not, in those days, as in ours, low mechanics and farmers, but the nobility and gentry of *Scotland*; most of whom, of our persuasion, gloried in the character of elders, and frequented our church courts, from the highest to the

\* Vide Acts of Ass. 1649.



lowest, which was what gave to the church that high authority in the state, of which the ignorant now read with astonishment and envy. This is a well known fact, which the warmest advocates for what is, of late, called *the liberties of the Christian people*, when pressed, never deny; except it be those, who are strangers to the history and ancient constitution of our church. I have it from a most respectable old ecclesiastic, once a parish priest, and since a distinguished member of two Universities, that, when he was a country minister, he found a very old parish register, in which the kirk-session consisted of the minister and fourteen elders; who were the fourteen freeholders, to whom the whole parish belonged, and none other, or of lower rank. The kirk-session consisted, in his day, as all others do, at this day, of members of a very different description.

Such were the kirk-sessions in 1649, such they were in 1690. The election of the parish minister could not possibly be placed in more proper hands. In effect, the freeholders of every parish always were, and still are, under every law, the real electors of their minister, in our church. The greatest patron in the kingdom, who has no other interest in the matter but to please the parish, always presents the man that is recommended by the majority of freeholders, at least, by the majority of the freehold. And, there is no other great or good patron, in the kingdom, who does not follow the example; and present the man most acceptable, or most likely to prove so, to all that part of every parish whose judgement is most worthy of regard. As to kirk-sessions,

the term has been in our church from the beginning; though the meaning of it, and the quality of the members who composed that first of ecclesiastical courts, have been widely different, at different periods of time. But, to argue, as so many affect to do, that our present kirk-sessions, consisting of low and illiterate mechanics and farmers, ought to have the same powers, which were formerly vested in kirk-sessions consisting of the nobility and prime gentry of *Scotland*, is the grossest abuse of an ambiguous term, that was ever, or that can be made. And, with respect to the *Christian people*, they had, under the boasted constitution of 1649, just the same powers, which our church has always allowed them; which they enjoy undiminished, at this day; which is all the power and privilege with which they are fit to be entrusted, in the case; and more than they enjoy, under any other ecclesiastical constitution in Christendom; and that is, the right of offering objections to the character and qualifications of the person nominated, by the proper and legal powers, to fill up the vacancy, of which objections the clergy were to judge. This will appear undeniably, when we come to quote the Act of the very Assembly of 1649, intituled, *Directory for election of ministers*.

Upon the restoration, law resumed her empire, and legal patrons their rights; which are declared by the 36th act of the first parliament of *Charles II.*, with a special injunction that none be presented but persons properly qualified, and who will take and subscribe the oath of allegiance, before granting or

accepting the presentation. Had matters rested here, there would have been no complaint.

It is needless, here, to enter farther into the history of the subsequent period, than barely to take notice that, in 1662, *Sharp's* hierarchy was introduced, armed with far other powers than *James's* modest bishops aspired to, and far less deserving to be trusted with any power, at all; \* contrary to the intention and promise of the King, who had engaged and meant to support presbytery, which he knew to be the model of church-government most acceptable to the great body of the *Scotch* nation. This was followed by several other acts, sufficiently mortifying and alarming to the Presbyterian clergy; but, the most cruelly unjust and oppressive was that retrospective Test-act, which commanded every minister in *Scotland*, who had not been settled by a presentation, to take one out from the legal patron, and to be instituted by his diocesan, before next Michaelmas, under pain of deprivation. The consequence of these severe and impolitic laws, and, more especially, of the last, was the ejection of three hundred and fifty ministers, and the shutting up of as many churches, all in one day; so that a great part of *Scotland*, thus deprived of gospel ordinances, looked like a country laid under a Pope's interdict. For, these ministers, besides their antipathy to Episcopal institution, could not be induced to confess that they had been hitherto only illegal intruders into those parishes, of which they were *bona fide* incumbents; having been settled according to all the laws and

\* Burnet.



established forms then in their country, and having discharged the duty, for so many years, with fidelity and success.

Whether our church took up any prejudice, about this time, against a law, under colour of which such oppressions were exercised, though noway authorized by the law, nor tending to the gratification or advantage of the patrons, is not easy to say. It is very easy to say, that there never appeared, in our church, before the year 1649, nor, even, then, the least dislike of the law or exercise of patronage, as the rule of disposing of vacant ecclesiastical benefices. It is only from circumstances, and, particularly, from the change introduced in 1690, that a conjecture can be formed; as there are no public records of our church, because there were no General Assemblies, during that long interval. The Usurper had, like an usurper, as he was, peremptorily forbid all such assemblies; and the legal oppressors that followed had so modelled, altered, and shackled the assemblies of the church, that no person wished any to be held.

Had the men, to whom the government of *Scotland* was intrusted, been capable of pursuing their own ends, by moderate and slow means, in such a manner as to allow the covenanting generation of clergy to live quietly, and as they died off gradually, to substitute well qualified and respectable men, of different principles, in their place; there would, probably, have been an end, for ever, of the Presbyterian church, at least, in its present pure and unmixed form. This was the plan of proceeding, which the oldest and wisest of the ministers expected, and what

they feared would prove most destructive to the church of *Scotland*. But, they had mistaken their men, who looked for temper, moderation, or rational measures, under the drunken administration of the debauched *Middleton*; or from the persecuting spirit of the false and ambitious *Sharp*, the most cruel ecclesiastical tyrant known in this land, from the days of Cardinal *Beton*. All their measures were indigestible and precipitate, and the execution of them unrelenting and violent. Their folly and violence proved, in the hand of providence, the means of preserving, and finally establishing, our church; as they hastened, and ripened every thing for, the great change which, at last, took place, to the joy of all good men, who love moderation and the government of good laws.

At the Revolution, both the Church and Kirk of Scotland sent their respective deputies, to wait upon, and compliment the Prince of *Orange*. *William* who, like all ambitious princes, was, in his heart, inclined to episcopacy, having had enough of the levelling principles of presbytery, from the *Louvestein* faction, in his own country, ordered the deputies of the *Scotch* episcopal party to be admitted first.\* These being given to understand, that, if they would fall in with his Majesty's views, as the Church of *England* had done, he would countenance and support them; made answer, That they would support all his Highness's views, as far as was consistent with religion, loyalty, and their duty to their country; adding that they were not instructed to answer such questions, which their principals did not expect

\* Kieth.

would be put. An answer so limited did not, at all, suit with *William's* views. The Presbyterian deputies were next called to an audience. These had been fully authorized by their principals, who looked for no favour in case of a second restoration, to enter into the principles of the revolution, without limitation or reserve. Upon which K. *William*, though really more inclined to Episcopacy, declared for the party whom he found to be most subservient and favourable to his purposes. Accordingly, directions were sent to the convention of estates, now turned to the parliament of *Scotland*, to abolish episcopacy, and to re-establish presbytery, as the only church in this nation; for, long experience had made it apparent, that both could not subsist together; at least, not upon the violent principles and persecuting practices followed of late years. This the parliament did, by their very first act, abolishing the King's supremacy, in the high strain in which it was enacted by the 1st act of the 2d parliament of *Charles II.*, "As inconsistent with the establishment of the church government now desired:" by their 2d act, for restoring all the Presbyterian ministers thrust out of their churches, since the 1st of January 1661: and, by their 5th act, abolishing prelacy, and repealing all the laws ever made in its favour; restoring presbytery, and reciting all our principles, articles of faith, and rules of discipline, in the body of the act; and restoring and confirming the act 1592, in all its heads and clauses, "except that part of it relating to patronages, which," says the parliament, "is hereafter to be taken into consideration."



The point is, accordingly, resumed and considered in the 23d act of the same session, by which all patrons, whether supreme or subject, are denuded of the power of nominating persons to fill vacancies in churches, and ministers are appointed to be thereafter chosen and *called* by the majority of the heritors and kirk-sessions.

This is nearly the same with the constitution made by the convention in 1649. Of what kind and quality of persons kirk-sessions then consisted we have seen. In the act 1690, we find heritors as well as elders mentioned; whence it would seem, that it was no longer the fashion (which indeed was not to be expected, considering that a good part of the nation was of another religious persuasion) for all the nobility and gentry to be elders; tho', still, if all heritors were not elders, yet all elders were heritors. That none below that character was intended to have any share in the election and nomination of a minister, is evident from the act itself; which appoints the compensation to be given to the patrons for their right of presentation, to be paid by the heritors and life-renters of landward parishes, and by the town councils of borroughs alone, and no part of it by any other persons; as would be reasonable, and must have been the case, had any other persons been admitted to any share of the privilege to be purchased by the money. But, no other persons were admitted to any such share; the clergy and the populace being both left, by the most express provisions of this act, just where they were, by the old laws, and where they still remain, by the revived

act of patronage. This alteration seems to have been the project and deed of the parliament men themselves, without being moved, far less petitioned, by the church, or any considerable body of the clergy. For, the General Assembly, which sat six months after the parliament, are so far from taking an interest in the matter, that they neither return thanks for, nor express approbation like the assembly 1649, of what was done, either to their Majesties or to the parliament, nor once mention or take notice of the alteration that took place, in all their proceedings.\* It is true, it may be said, that our church has always considered the disposal of the temporalities of the church, as a civil matter, which did not belong to their jurisdiction; and this same moderate assembly of 1690, declined meddling in two causes that were brought before them, assigning as the reason, that they were matters of a civil nature. It is true, also, the church had great reason for her moderation and prudence, at this period. For, *William*, at the same time that his interest led him to countenance the Presbyterians, showed little inclination to authorize their General Assemblies. And, this of 1690 was indicted to meet, not by his authority, but by that of the parliament of *Scotland*.† And, though he sent his commissioner to countenance, and be a spy upon them; yet, he discovered sufficient jealousy of their temper and proceedings, expressed in these strong words of his letter to them; viz. “ A calm and peaceable procedure will be no less pleasing to us than it becometh you. We ne-

\* Vide Acts Ass. 1690.

† Sess. 1. Ass. 1690.

“ ver could be of the mind, that violence was suited  
 “ to the advancing of true religion; nor do we in-  
 “ tend, that our authority shall ever be a tool to the  
 “ irregular passions of any party. Moderation is  
 “ what religion enjoins, neighbouring churches ex-  
 “ pect from you, and we recommend to you, &c.”

The assembly, in their answer, solemnly promised that moderation in their proceedings, of which they had so often condemned the want in their enemies. And, they were as good as their word; for, the proceedings of the assembly 1690, at such a juncture, and after such a triumph over their intemperate oppressors, were very moderate, and praise-worthy in the highest degree.

Nevertheless, *William* did not think proper to convene them again during the years 1691, 1692, and 1693; nor did they think proper to assemble without his authority, till, at last, the *Scotch* parliament of 1693 petitioned the King to summon a General Assembly, for the remedy of several disorders that prevailed in the church. So false is the usual calumny, frequently thrown out against our church, as if we pretended to a jurisdiction independent of the civil power, and did not allow of the supremacy of the king or parliament, in matters ecclesiastical.

The new rule for the nomination of ministers, introduced by the law of 1690, continued in force for about twenty years, till, by the act of the *British* parliament, in the beginning of 1712, single patrons were restored to their ancient rights, which never had been interrupted, in any legal period, from the



commencement of our monarchy, except for the short space above mentioned. This act, for the restoration of patronage, is, by its opposers, usually said to have been the deed of a tory ministry, who wished to depress and weaken presbytery. However popular it may be to throw odium upon that ministry, there appears not the least colour of foundation for this charge. If the last ministry of Queen Anne entertained such designs as they are usually charged with, it is hard to see how such designs could be promoted by one way of nominating *Scotch* ministers more than another; though it is easy to see that it would be much more for their purpose to oblige and conciliate, rather than offend and alienate, every body of men in the kingdom, especially a body of so much consequence and influence as the church and clergy of *Scotland*. The truth seems to be, that the law in question was the procurement of the nobility and great gentry of *Scotland*, whom it is an object for every court and administration to gratify and secure. These had now, for several years, more especially since the union, been chiefly resident in *London*, either as members of parliament, or as retainers and solicitors of the court, and had, of consequence, neglected their character of ruling elders, and disused their attendance upon church courts. Being thus removed from the scene, and excluded from even a share in the election of the clergy, it is natural to suppose, that they would not leave, in the hands of the little heritors and life-renters who stayed at home, and of such low persons as began now to be the constituent members of kirk-sessions,

the whole patronage of the Church of *Scotland*, which they could not but consider as their own property and birth-right. On the contrary, by restoring things to the ancient constitutional train, the nobility and great freeholders became immediate patrons and disposers of about two thirds of the ecclesiastical preferment in *Scotland*; and, such of them as did not become immediate patrons, recovered that influence, in the matter, to which their birth and fortune naturally intitled them. None could pretend to be injured by this change, unless it should be called an injury to the little heritors, life-renters, and fewers, to fall from an unforeseen degree of power, to which they accidentally rose, in consequence of the law of 1690, and of which it was not natural for persons of their rank to continue long possessed. As to the clergy and populace, the act of Queen *Anne* left them in possession of all the power and privilege which had ever belonged to them, at any period of time, in the settlement of kirks, and of which they remain in full and undisturbed possession at this day.

II. In the second place: Having, thus, seen what has been the uniform tenor of the law of this land, respecting the disposal of ecclesiastical benefices; let us, next, examine what has been the doctrine of our Presbyterian church, on the same subject, and upon what principles she acted and conducted herself, in those called her purer ages.

The most ancient public record, expressing the sense of our church concerning the laws of patronage, is the passage from the proceedings of the as-

sembly 1596, concerning "the enormities and cor-  
 "ruptions in the ministerie, and remead thereof,"  
 quoted by the assembly in 1638, which runs thus:  
 "Thirdly, because by presentations, many forcibly  
 "are thrust into the ministry, and upon congrega-  
 "tions, that utter thereafter that they were not  
 "called by God: it would be provided, that none  
 "seeke presentations to benefices, without advice of  
 "the presbytery, within the bounds whercof the  
 "benefice is; and, if any doe in the contrarie, they  
 "to be repelled as *rei ambitus*." This ancient as-  
 sembly, it appears, was far from complaining of the  
 law of patronage, or desiring that it should be re-  
 pealed, and the patrons stript of so considerable a  
 part of their property, to avoid some small incon-  
 veniencies, which admitted of a far cheaper and easier  
 remedy. They, indeed, regret that the patrons were  
 sometimes imposed upon, and mistaken in their  
 choice; and that, of consequence, some men crept  
 into the church, who were of such levity of charac-  
 ter, as to make public declarations very unbecoming  
 the gravity and decency of clergymen, whether they  
 were conscious of a spiritual call, or not. Of this,  
 the clergy knew that the remedy was easy, and lay  
 in their own hands; and, the committee of that  
 assembly of 1596, for enquiring "concerning the  
 "defections in the ministerie," propose it very dis-  
 tinctly, in the above quoted passage. We, even, see  
 that, at that period, it was not esteemed blame-  
 worthy, or so much as improper, to *seek*, or apply  
 for presentations; only, the assembly judged, with  
 good reason, that such applications ought not to be



made but by men of whom the presbytery of the bounds approved, and to whose application they gave their consent.

No body of ecclesiastics ever acted with greater vigour, nor did ever any assembly of our church carry their power and pretensions higher, than the celebrated assembly of Glasgow, in 1638, to which our church is so much indebted. This was that sturdy assembly which verified and authenticated the records of our church, collected from different places, and which their enemies endeavoured to suppress, or render suspected and of no authority; and that, in the face of a protest, against their proceedings, by the King's Commissioner: this was that bold assembly, which voted out episcopacy, deposed the then bishops, and, even, excommunicated them, so as to render them incapable, for ever, of all ecclesiastical function and preferment, in this nation; all except two, who submitted to the authority of the assembly, recanted, and became Presbyterian parsons: and, this was that assembly, which, having gone so far, by their own authority, drew up, and presented to the King, a strong, though decent, remonstrance, containing a list of all their grievances, and craving royal sanction for, and a parliamentary establishment of, the remedies which they themselves had voted. Yet, the law and exercise of patronage did not enter into the catalogue of their grievances, and is not complained of, or once mentioned, in all their proceedings.

As little complaint is there, on this subject, by the assemblies of 1639, 1640, and 1641, which

trode in the steps of that of 1638. The first mention we find of patronage, by any assembly of this triumphant, and commonly esteemed the purest, period of our church, is by the General Assembly of 1642. But, this was not to propose a repeal of what had been, at all times, the law of the land and of the church, or that the sovereign and other patrons should be robbed of their clearest and best secured property. No such thoughts came into the heads of our clergy, at a time when they were far from being overtemperate, and their demands from being low. They went no farther than to revive the idea of *James*, in the choice of his bishops, and to propose a similar plan to *K. Charles*, in the choice of Presbyterian ministers, only with greater latitude and freedom of election than *James* had desired. The assembly of 1642 proposed to the King, that, upon any vacancy, the presbytery of the bounds might be allowed to send to his Majesty a list of six persons properly qualified and unexceptionable, out of whom his Majesty might choose and present whom he pleased; craving that, for Highland parishes, a list of three, or as many as could be found who spoke the *Gaelic* language, might be accepted. The King most readily consented to the proposal; which was so far from cramping his right, as a patron, that it was put on a better footing than it had ever been before, or has been since. For, he had a greater number, to choose out of, than any other king has ever had, and he was better secured against a wrong or unacceptable choice. It appeared that, about this time, the King, who was then almost sole patron

of all the ecclesiastical benefices in *Scotland*, was making many grants of patronages to several great men; the state of his affairs being such as did not admit of his denying the requests of such sturdy beggars. This induced the assembly, 1643, to petition his Majesty, that he would be pleased to subject these grantees to the same regulation to which he had submitted himself. They, also, requested of the exchequer not to put the seals to the grants, till such time as these subject patrons expressed their acquiescence in this. All that the assembly desired was found moderate and perfectly reasonable, and was, therefore, most readily granted, on all hands.

This was the only restriction, if it can be called such, which our church ever attempted to lay upon patronage, in that age. And, this is all we read of the matter, in the records of the church, before the constitution of 1649, already mentioned: which constitution does not, at all, appear to have been in consequence of any desire or application of the clergy; but, only, what the unhappy circumstances of the time dictated to the convention of estates as best to be done.\*

Whether the hardships which soon followed, after the restoration of patrons to their rights, by obliging settled clergymen to take out presentations; not to serve the patrons, to whom that could be of no benefit, but, to oblige the ministers to take episcopal institution; produced any dislike in our clergy against the laws of patronage themselves, is uncertain. It has already been conjectured, that this might

\* Vide Acts of Ass. 1649.



possibly be the case; though the patrons were no way to blame, and though the law could not admit of such abuse, without the addition of the oppressive and retrospective temporary act made for the purpose. But, another point is very certain, that our clergy took no interest in, nor any the least notice of, nor were at the smallest pains to improve or perpetuate the alteration made in the law of patronage, by the Revolution parliament. By the patronage law of 1690, every parish was empowered to obtain, of the patron, a disposition of his right of presentation to that parish, for ever, upon paying him the wretched consideration of 600 merks: every patron of a parish was empowered to oblige the parish to pay him 600 merks, upon his granting such a disposition of his right of presentation: and, in case both parties should neglect or refuse to make such a bargain, which, in fact, proved the case, the King's Solicitor was empowered to compel them to it. Yet, notwithstanding all these proviso's, there were not six parishes in *Scotland*, that took advantage of the law, so as to purchase the patron's right. The consideration was too small to induce the patrons to compel the parishes to purchase: the great heritors of the parishes had no interest in making it, as their influence, which must always be considerable, was greater under the law of single patrons, than by the act 1690: the people had not the least business to lay out their money, on such a purchase, by which they were to have no power or benefit; for, they were left by the law of 1690 just where they were, and where they are at this day, there not being one

syllable in that act about *heads of families*, as electors of the minister: the small heritors alone had an interest in making the purchase of the patron's right of presentation, and these did nothing. Yet, must it be evident, that our clergy took no manner of interest in the matter, nor thought it of any consequence to the happiness of the church. For, if they had, they could be at no loss to induce the small heritors, or some party, to raise so paltry a sum as 600 merks: nay, it is to be supposed that they would not have grudged half-a-year's stipend from themselves, to secure this same *call*, for ever, had they thought it, as our zealous declaimers affect to do, so inestimable a privilege and benefit to the church. Their remissness, or, rather, perfect indifference, about the matter, clearly demonstrates that they were of a very different opinion, and did not think the *call* an advantage to the church.

It would seem as if the modern advocates for the *liberties of the Christian people* paid as little regard to the acts of our church, as to the acts of parliament; both which they misrepresent equally, in all their declamations. Whoever looks into the directory for election of ministers, of the assembly 1649, will see, that the populace had no more to do, in the matter, by that constitution, founded upon the resolution of the convention of estates, than they have at this day. The kirk-session were the sole electors. If the people agreed to the choice, when announced to them, it was well. If not, they had the liberty of objecting. If the major part of the congregation offered exceptions, the judgment remained with the presbytery,

whether these were founded in causeless prejudices, or not. And, as to objections from the minority, no regard at all was paid to them, unless a libel was exhibited and proven. As to the constitution of 1690, there is no corresponding act of assembly to be found. It is obvious that the act of parliament gives no power to the populace, in the choice of ministers. And, for the assembly, though it sat six months after the act of parliament was past, yet, there is not the slightest notice taken of the change introduced by that act; from whence it is manifest how perfectly indifferent the clergy were about the matter.

Of what degree of purity our church will be allowed to be, about the year 1712, I know not; but, that was the earliest period at which her public authority can be quoted, for reckoning patronage a grievance. It is true, the assembly 1712, as well as those of 1713 and 1714, showed very little zeal on the subject. Their attention was chiefly taken up with two points, which were to them far more interesting. These were, first, the oath of Abjuration, which a great part of the clergy of *Scotland* would not take; but, detested it so much, as almost to break off communion with all those who did take it; which threatened the church with great and dangerous divisions. The other point was, the almost unlimited Toleration given, at that time, to the episcopal persuasion, in *Scotland*; which was productive of much insolence and disturbance from that party, even to the seizing of parish churches for the use of their worship. But, what was wanting in former assemblies, in zeal against patronage, was made up



by that of 1715. Since which time, there have not been wanting zealous declaimers, on this subject, as well in the pulpit as in our church courts; the most pernicious, as well as false, part of whose doctrine is, their dunning it into the ears of the ignorant populace, that their rights are betrayed by the church, and that the General Assembly, in concert with the patrons of benefices, withholds privileges and powers from them, which the people never could pretend to, by any law civil or ecclesiastical of this realm, since we first had laws. It must be confessed, that the arguments of the preceding commission of assembly, adopted by the assembly of 1715, against the act for restoring the rights of patrons, are either very frivolous or very ill founded, and such as men are now ashamed to make use of. It seems, therefore, very unnecessary to take any notice of such arguments here; though it may not be improper to consider the arguments of our own day, upon the subject, which are, at least, as respectable as those made use of in the year 1715.

III. The arguments generally urged, for divesting the patrons of their ancient and constitutional power of presenting qualified persons to vacant ecclesiastical benefices, without any compensation or indemnification; and for vesting the power of naming ministers in the respective parishes, by a *call*, and such a *call* as is altogether unknown to our constitution, in which the populace are to have a principal share; are such as follow.

(1.) It is said that presentations are not mentioned in the New Testament, nor in the primitive ages

of the church, and that, therefore, the practice is unscriptural; to which it is usually added, that the church has still a legal power to settle by *calls* only, and that these ought to be popular *calls*, but, that the church is corrupted and apostate, and that the majority of the clergy, and, particularly, all the ultramontane clergy, are in league with the lay patrons, for oppressing the *Christian people*, and depriving them of their gospel rights and liberties. This is that sophistical and pernicious argument, which has been, for so many years, trumpeted in the ears of the ignorant populace, both from the pulpits and in the ecclesiastical courts; and, which the people, having so often heard from their ministers, have, at last, begun to believe, and, therefore, secede, in such numbers, from a church which they have been taught to consider as corrupted and apostate. The authors of all this are the first to cry out against the evil of that secession which they themselves have created; and, now, exclaim, that the churches of the establishment are deserted, and those of the sectaries crowded, and that there is no remedy for the disorders of secession, except by giving way to the groundless prejudices which they themselves have raised, and still cherish and spread, in the minds of the populace, by stripping his Majesty and the nobility and prime gentry, of their most ancient, legal, and best secured rights. Though it were enough to answer to this stuff, that *calls*, in their sense, is as unscriptural a word as *presentations*; yet, the fallacy of the argument will farther appear, by considering that there were no benefices in the apostolical and

primitive ages of the *Christian* church, and, therefore, there could be no patrons, or presentations to benefices. Such language, besides the sophistry of it, sounds very strangely from the mouths of men, who have themselves accepted of presentations, which must be the case of every minister in *Scotland*; and, who were no sooner settled in their churches, by virtue of their presentations, than they began to declaim and spirit up the populace against, and to reprobate other probationers and expectants, who should take the benefit of that very law, by which they themselves hold their livings. To hear men, who were settled in consequence of presentations, declaim against patronage, in public and private; introduce divisive overtures, against lay patrons, into the General Assembly, from year to year; and, refuse or delay to settle other presentees, till their parishioners, confirmed in their prejudices, by hearing of the pretended legal necessity of a *call* from them, desert their new ministers, and go into secession: betrays a wonderful ambition for *popularity*, shows very little regard to the principles of common justice, and still less to the peace and interest of the Church of *Scotland*. If the fact were doubtful, that the secession from our church was, at first, created, as it is still supported and diffused, by the declamations and proceedings of those ministers who wish to be considered as the sole conscientious advocates of the pretended *rights of the Christian people*; it would be put past all doubt, by reflecting, that those abused and misled sectaries abound only within the bounds of the few synods, in which the majority of



the clergy act the above part; while in other parts of *Scotland*, where men are more observant of the laws of the land and of the church, and make conscience of not instilling prejudices into the minds of the people, against our happy civil and ecclesiastical establishments, seceders are few in number, or secession altogether unknown. Though the Christian world has been agreed in all ages, that the church ought to be kept in some dependance on the state, and, for this purpose, that the state ought to have the disposal of the public provision made for the church; and, though ambitious ecclesiastics have, before now, endeavoured to make the church independant of the state, by getting the disposal of the revenues of the church wholly into their own hands; yet, this is, perhaps, the only nation, in which men have endeavoured to compass such ends, with such blind fury and zeal, and to try to rouse the people in their cause, by instilling prejudices into their minds against their own church, and the majority of their own order. But, it will appear presently, how grievously mistaken those demagogues are, if they fancy that they would have more influence, in church settlements, in case the power was lodged with the populace, or near so much, as they now enjoy, under the law of patronage.

(2.) The above is the popular argument, which has been productive of so much delusion and disorder among the lower people, and of so much schism and secession in our church. The argument usually urged, and declaimed upon, in the church courts, is of another kind. It is there confidently asserted, that

the principles and laws of our church have established *popular calls*, as the sole mode of settling ministers: to which it is added that the law of the land has still left it in the power of the church to follow that method; for, that, though the patron is restored to a right of nomination, yet, the clergy need not settle without a *call*, since the act orders the presentee to be settled "according to the rules of the church," and a *popular call*, say they, is one of the rules of the church for settling a minister. Both branches of the argument, though often repeated, are equally ill founded, and delusive to the ignorant. For, no man can show any act, resolution, or, even, opinion and wish of our church, that the election of ministers should be vested in the populace, or that *that order of men should have any other right or share in the matter, except the power of offering objections or a lybel, to be judged of by the clergy*, which they still possess and exercise. And, as to the other part of the argument, nothing can be more sophistical and false than it is. Whoever has looked at the act of 1712 must know, that the declared intention, in the preamble, is to abrogate the *call*, and that the *call* is expressly abrogated by the act, and the legal patron empowered to present a qualified person to every vacant benefice, who is to be inducted and settled according to the rules of the church. There cannot be a more wretched blunder, about the meaning of words, than to make the *call* one of the rules of the church for settling a minister. During the only short period while the *call* existed, it was the rule of *nomination*, and not of *settlement*. And, no

two things are more distinct, under our constitution, than the nomination and the admission or settlement of an ecclesiastic, or of any beneficiary, in any department. Accordingly, the two powers are lodged, by the constitution, in different hands, for this wise reason; that, in case the patron of a benefice, of any sort, should happen to be imposed upon, and to make a wrong choice, there may be an opportunity of informing him better, and of correcting the error, before the unqualified or otherwise ill-chosen presentee is put into possession of the benefice.

(3.) Another argument, founded upon a misrepresentation of law, is urged upon this subject, and is said to have been vehemently declaimed upon, by a great oracle of the law, † in our very last assembly. It is this. The act of 1712 itself is pretended to be a violation of the constitution, and of the fundamental articles of the union; particularly, of the most sacred and inviolable of these articles, that which establishes and secures the constitution of our Presbyterian church, of which the *popular call* is alledged to have been a part, and, as such, to have been ratified and secured, for ever, by the treaty of union. Ill founded as this is, it may be heard, and often has been, from an ordinary harranguing demagogue; but, is utterly intolerable in the mouth of a lawyer, of any character. Indeed, the gentlemen of the long robe do, sometimes, take very great, and hardly decent, liberties with our ecclesiastical assemblies. In all matters, in which law is concerned, we consult them, and pay very great deference to their

† Mr. A—— C——y.



opinions ; and, from hence, they scruple not, too often, to assume a dictatorial, and, even, petulant air, little consistent with *decorum*, and with the respect due to such a body as the General Assembly of our church, of which though the generality of members are not lawyers, yet, many of them are well known to be men of understanding, literature, and general information. It is to be hoped, our lawyers inform us better, in general, than the gentleman did in the present case. It is an extraordinary instance of presumption upon the ignorance of ecclesiastics in matters of law, to attempt to misrepresent the contents of the act of union, which is in every body's hands ; and, it is an extraordinary instance of either deference or contempt for the harrangue of a lawyer, that the attempt should have escaped notice and correction. It is most true, that our ecclesiastical constitution is ratified and for ever secured, by the act of union, in the strongest terms ; and that this is declared to be a fundamental and inviolable article, in any treaty of union which should take place. But, it is equally true, and obvious to whoever looks into our act of parliament, that this ratification is expressly and repeatedly declared to be, in terms of the 5th act of the 1st parliament of *William and Mary*, and in terms of *the Claim of Rights* ; both of which are referred to and confirmed, in the act of the union parliament, for the security of the Church of *Scotland*. Now, neither in the 5th act of the 1st parliament of *William and Mary*, nor in *the Claim of Rights*, is there one word derogatory to the rights of patrons to present to vacant ecclesiastical

benefices. The alteration, in that point, was not made by *the Claim of Rights*, nor by the foresaid 5th act, but, by the 23d act of the same parliament; and, that 23d act the union parliament are so far from ratifying, that they take not the least notice of it. Though, therefore, this has, sometimes, been thrown out by popular demagogues, who, perhaps, knew no better; it is a shameful instance of ignorance or misrepresentation, in a lawyer of any eminence, to pretend that *popular calls*, or *calls* of any kind, are secured by the act of union, in which there is not one word, which all the sophistry of the bar can distort to such a meaning. It is most probable, that the nobility and gentry of *Scotland* repented of their 23d act, and were sick of the *calls*, by this time; as they clearly showed themselves to be, a few years after. And, that they were very far from confirming that act, or establishing *calls*, by the act of union, is as clear as the express words of the record of parliament can make it.

(4.) It is commonly urged, upon this head, that the *grievance* of patronage is the cause of our breaches, and that the repeal of that law would heal all our divisions. It has already been shown, that our breaches arose, and are still widened and increased, by our own clergy misleading the populace, and alienating them from the church. And, it is believed, that the repeal of the statute of 1712 would be productive of divisions and distractions of more pernicious consequence to the community, than the populace going to hear any minister, of any denomination, that they like best. The reason assigned in the preamble

of the act of parliament of 1712, for abrogating the *call* is, that the method of settling ministers by a *call*, had been found to be productive of many quarrels, and much disagreement and animosity, among neighbours. That this is not a mere pretence and gloss will be evident to him, who takes the trouble to look over the indexes of the acts of assembly, for ten years before the act of 1712, while the *call* was law, and for ten years after 1712, when the clergy first took it into their heads to appear in behalf of that method of settlement; whence it will appear, that the ordinary number of disputed church settlements, that came before every assembly, was twenty; sometimes fewer, often many more. So that there is reason to believe, that these *calls* set all the country in a ferment, by the ears. Whereas, now, many assemblies meet, without one cause of this nature coming before them; and three or four is an uncommon number; and these always come from the bounds of those synods, of which the clergy are at so much pains to persuade the populace, that they have a right to choose their minister, contrary to all reason, and to all law, civil as well as ecclesiastical. The General assemblies sat much longer then, than they do now; and, nevertheless, they were obliged to leave three fourths of the disputed *calls* brought before them, to be decided by their commission, and to sustain all the decisions of their commission, at the next General Assembly. The *calls* occasioned disputes and appeals enough to employ the assembly, if they were to sit as long as the Court of Session; so far was that method of settling ministers from



contributing to the peace of the country or of the church.

(5.) I will venture to add, that, if the method of *calls* is against the law of the land, against the law of the church, and against the peace of the country, as it certainly is, it is still more against the interest of the clergy. The clergy of *Scotland*, though not actual patrons of any benefices, a power which our church has always considered as of a civil nature, and has, therefore, always declined, upon principle, possesses nevertheless, as much influence, in the disposal of church preferment, as any body of ecclesiastics in Christendom. This is owing to the high place which a *Scotch* clergyman holds in society, which is far above what his wealth and civil advantages would intitle him to, were they twice as great as they are. And, this high rank is owing to the general religious turn of our people, which has, at all times, disposed them to respect and honour their clergy; but, chiefly, to the noble and truly laudable practice of our nobility and prime gentry, who always put the highest respect upon a worthy ecclesiastic, associate with him, confide in him, countenance all his endeavours for the public good, and, by their favour and protection to him and his family, indemnify him, in a good measure, for the scantiness of his income. There cannot be a greater mistake than what is so often alledged, by our popular clergy, that the nobleman or prime gentleman, who has the chief power of filling up any vacancy, in the parish where he has his principal residence, little cares what sort of men may be presented. On the contrary, he is the man

in the parish most concerned to have a worthy and well qualified man for his minister. The character and behaviour of his tenants and servants will receive a tincture from, and be greatly influenced by, the doctrine, principles, and behaviour of the minister. A pious, diligent, and peaceable minister will instruct and dispose the people to behave quietly, honestly, diligently in their several vocations, and submissively to their lawful superiors. A turbulent, hot-headed, litigious, or ambitious ecclesiastic, with any thing of a popular talent, will have it in his power to disturb the peace, not only of his own parish, but of all the neighbouring parishes; to raise hot-blood and animosity among the people, and, sometimes, among the gentry; and to cause abundance of trouble, vexation, and expence to any nobleman or gentleman, who may have the misfortune to have a parish minister of that character. On the contrary, an ecclesiastic, who behaves in a manner worthy of his character, being his patron's nearest neighbour, in the country, becomes the companion of his solitary hours; he, thus, of course, enters into his confidence, and has an opportunity of doing infinite service to the people, by explaining the state of the parish, with which he is best acquainted, to him who is best able to assist and relieve those who may stand in need; he is consulted, by the great men; in whatever relates to the peace, police, and general good, of the parish and of the country; and, in case of any distress or affliction, especially of the domestic kind, recourse is had, immediately, to the minister, the great family confidant, to give his advice; to apply a reme-

dy, where that can be supposed to be in his power; and, where it is not, to administer comfort. Such are the terms, on which the great men of our nation choose to live with their clergy; and men worthy of such familiarity and confidence do all persons of influence endeavour to procure, for their parish ministers.

The influence of the clergy of *Scotland*, arising from this familiarity and confidence with our nobility and great gentry, is considerable, in every thing; but, most of all so, in the disposal of ecclesiastical benefices. It is not extravagant to say, that, of the thirty parishes annually settled in *Scotland*, five and twenty, if not more, are disposed of, thro' the influence, direct or indirect, of the clergy. It is said, that, when the patron, or great man who has influence with the patron, has a man of his own in view, he little regards the objections or remonstrances either of the clergy or of the people. It may be very true, that he pays little regard to the remonstrances of the populace, which, generally speaking, deserve little, as proceeding either from wild enthusiasm and groundless prejudices, or else from an ambitious desire of being patrons themselves. But, the clergy have, surely, no right to complain, as the patron has hardly ever a man of his own, whom they did not make such; and the connection between the patron and the presentee will, almost always, be found to have originated in, and to be founded upon, clerical influence and recommendation. There is, now and then, an instance of a translation being brought about, upon other prin-



ciples; that is, through a family connection, when a beneficed clergyman happens to marry the relation of a man of influence. But, an instance can hardly be produced, of a connection between the patron and a probationer presentee, which has not been formed by the clergy. For, who is this man of the patron's own? He will always be found to have been his own tutor, his son's tutor, or his nephew's tutor; originally recommended to him by the clergy, as a man of worth, and, afterwards, rivetted in his patron's good graces by his own behaviour. For, it is well known, that, when a nobleman or great gentleman has occasion for a man of this sort, he never trusts his own judgment in the choice, having little access to know the characters of persons in that line of life. But he always applies to his parish minister, or to some other ecclesiastic, or college professor (a species of ecclesiastic) in whose knowledge and judgment he reposes confidence, to recommend a proper person to him. If the person, thus introduced to a man of influence, answers the recommendation, and has served, with ability and integrity, in his family, for several years, and has made himself acceptable, both as a faithful preceptor and agreeable companion, his patron naturally entertains a personal regard for him, and makes it a point of honour, as well as inclination, to provide for him. And, when he does so: by giving or procuring for him a presentation to a living, he has the greatest reason to think, that he is consulting the interest of the parish, to which he sends a man who was, at first, so recommended to him, who has approved himself

so well in a charge far from being easy, and whom he has good grounds, from intimate acquaintance, to believe every way qualified for filling a higher department, with honour and advantage to the public. The presentee may, indeed, be a stranger to the clergy and people of the bounds in which he is to be settled. What then? Is that a reason for opposing his settlement, against all law and reason, and, only, because he is a friend of the patron's? On the contrary, every prejudice and presumption ought to run in favour of a man, whose connection with the patron has been formed in such a manner, and upon such principles, as must give reason to believe him to be a man of ability, discretion, and good character, from his first appearance in life.

A patron, or man of influence, has, sometimes, a connection of a different kind with a presentee, which is no other than his being the son of his parish minister. No expectants, in our church, are so early provided for, as the sons of the clergy, who take orders; if their fathers have maintained that respectability, in their parishes, which becomes their office. In case of the father's death, who lived respected by his heritors and people, it seldom happens, but all parties agree in settling his son in his place. If otherwise, yet, the probationer, son of a respected minister, is sure of the first settlement, in which the heritors of his father's parish have influence. In the former case, the patron is little liable to make a wrong choice, because he presents a man of tried and approved worth; either upon his own certain knowledge, or upon the information of persons of rank

and honour, in whom he can confide. It is otherwise in the present case. The honourable attachment of our men of rank to their parish minister sometimes leads them to patronize his son, who may be of a different character, without much inquiry, and upon no other principle than their regard for a worthy father. Mistakes have, thus, happened, and a few instances have been known of improper persons admitted to orders, and settled in parishes, from the regard of the clergy and of the gentry for their fathers. But, whatever mistakes, or wrong choices of presentees, may have arisen from this principle of our men of rank, so honourable in itself, and so flattering and beneficial to the sacred order, surely the clergy are the last who ought to complain, or to attempt to rob our men of rank of a power, in the exercise of which they pay so great a regard to the interest, to the opinions, and, even, to the humours of the clergy.

The greatest deference is paid to the opinions of the clergy, in this matter, by our patrons and men of rank. An instance is rarely, if at all, to be produced, of their protecting an expectant obnoxious to the generality of the clergy, as labouring under suspicions of immorality, or of being of a character otherwise unworthy of the sacred function; because no gentleman would choose to have, for his parish minister, a man of whom those who have the best access to know him entertain such suspicions. I said that, even, the *humours* of the clergy were regarded, in the matter of bestowing ecclesiastical promotions. Instances have been known, of the lay



patron laying aside his intended presentee, who was acceptable to the parish, at the request of a presbytery, who wished to procure the settlement for another man, in whom they had a greater interest, and who obtained it. And since opposition to presentations, and *travelling committees* to travel and deal with the patron and people, have been the fashion, the instances are common of their success with the patron, and of his giving up one presentee, and naming another of his own choice; but, the instance cannot be produced of a committee, whose *travelling* or *dealing* ever induced a little fewar, or other ignorant and low person, to give up his opposition, however stupid and groundless. Particular instances might be produced, of the behaviour of the populace, wherever they have power, and of the little regard they pay to the opinions of the clergy, the most zealous and clamorous advocates against patronage; which ought to cure those gentlemen, if any thing could, of their desire to subvert the law of the land and of the church, and to destroy their own influence, in favour of the pretended *rights of the Christian people*. If the *Christian people* had the whole, or any part, of the power of disposing of ecclesiastical preferment, the clergy, who, under the present establishment, dispose of almost every benefice in Scotland, directly or indirectly, by means of their intimacy and influence with the men of rank, would have very little to do in the matter. This is abundantly evident, from the above undeniable fact of the fate of the *travelling committees*, without descending to invidious particular instances.

I will say nothing here of the influence which it would have upon the character of the rising set of ecclesiastics, and the quantity of enthusiasm, cant, and hypocrisy which they must put on, if ever their promotion comes to depend, in any degree, on the choice of the people; though this is a point to which no man of understanding, who regards the honour of our clergy and the peace of our country, can be indifferent. But, I would beg leave to lay one more consideration before our popular party in the church, which seems to merit their serious attention. The populace of these districts, having been used, for seventy years past, to hear, that the final decision upon the qualifications and promotion of every ecclesiastic rests with them, have, now at last, seized upon all the power and authority, sacred as well as civil, of this church, into their own hands; the episcopal right of ordination, no less than the patron's power of presentation; allowing to presbyteries, the most popular and favourite, hardly as much authority as belongs to a bishop's examining chaplain. For, let a presbytery proceed ever so zealously and accurately in the examination of a candidate for holy orders, with respect to his literature, his orthodoxy, his powers of explanation and popular oratory, and whatever other qualification can contribute to make him an useful and ornamental member of the church, and let them approve of him ever so much, and licence him in ever so honourable a manner; yet, no sooner is he presented to a benefice, than the *canaille* of the parish strip him of his orders again, by their own supreme authority, and pronounce him unfit

to be their parish minister, and that, frequently, without once deigning to come and take trial of him and hear his performance. As to the base means to which they generally have recourse, to support their oppositions, and to ruin the character and mar the usefulness of a clergyman for ever, by raising a *fama clamosa* themselves, and prosecuting upon the scandal which they have raised, and tampering with witnesses, and suborning evidence, from among the lowest and most unprincipled of themselves, to support the prosecution; that is a scene too well known and too horrible to be dwelt on. For, with this class of mankind, whose low education and manners can inspire but little principle, it seems to be a fixed maxim, that the pretended good end can justify any means. But, where the populace have been once worked up to arrogate such powers to themselves, and are tinctured with seceding principles, they are so far from allowing the power of conferring or taking away holy orders to the church, that the being expelled from a divinity hall, or deposed by a presbytery or General Assembly, or any way declared, by legal authority, unfit to be a minister of the Church of *Scotland*, is, generally speaking, the most effectual recommendation to their favour. Let a man but declaim against patronage, and the decisions and principles of our church, and that will atone for the blackest crimes and most debauched manners. The instances have been many, of persons expelled from our church, whom the seceders received with open arms, and promoted to better incomes than they could have expected in the church;



and, the instances are not few, of popular demagogues, who spared no pains, to get themselves deposed and expelled by the church, in order to be so received and rewarded.

In every light, then, it is greatly against the interest of the clerical order to attempt any alteration in the established laws respecting church patronage, even if they had any prospect that the attempt would be attended with success. And, it is still more against our honour, dignity, and reputation as an order. It is paying no great compliment to the judgment of the nobility and gentry of a parish, to say that they are better judges of the character and qualifications of a worthy ecclesiastic, than the populace. This no man can doubt of, who compares the clergy settled by presentations with those chosen by the populace; that is, the members of the established church with the sectaries. On the one hand is to be seen, dignity of character, decency of conduct, moderation in principles, liberality in sentiments, great learning and eloquence in some, and a competent share of these in all; in so much that it may justly be said, that there is not, in Christendom, for their number, a more pious, learned, genteel, and every way well qualified set of ecclesiastics, \* than the established clergy of *Scotland*. On the other hand, the qualities which recommend a sectarian minister to the favour of the populace, and which are, therefore, generally cultivated by ecclesiastics of that denomination, are the very reverse of all these; cant, hypocrisy, and

\* Vide *Penant's* character, and even the surly *Johnson's*, of the *Scotch* clergy.

the basest flattery of the vulgar in all their errors, low manners, narrow principles, the grossest ignorance and blunders in the interpretation of the scriptures, and the most illiberal and uncharitable abuse and censure of all establishments, communions, and opinions except their own; but, most of all, of the Church of *Scotland*, against which it is their interest to poison the minds of their followers, by every art of calumny and misrepresentation. It is believed that no man of understanding and liberality of sentiment would wish this to be the general character of the established clergy of this nation. And, whoever would not, cannot seriously wish that the qualifications or promotion of ministers should depend, either in whole or in part, upon the judgment of the populace; seeing such are notoriously the qualities and manners which recommend a minister to their favour and choice.

(6.) One would be tempted, sometimes, to suspect, contrary to the liberal rules of *Christian* charity, that the gentlemen who express most zeal against patronage, some of whom are among the most sensible, worthy, and respectable members of our church, are not very serious; and, that they take that method to procure popularity, and a great and flattering following, and to acquire the lead and direction in ecclesiastical courts; but, that they would be very sorry to see the qualifications and promotion of the clergy subjected to, and dependant on, the caprices of the vulgar. For, though the law of patronage is very far from being a grievance in itself, and was never so esteemed by our church; yet, there is a

most unjust appendage tacked to it, of late years, founded upon no statute of patronage in being, but upon the strained glosses of lawyers alone, which may be justly reckoned most grievous and oppressive, and of which it would not be difficult to obtain redress. But, of this no man complains.

It cannot, in reason, be reckoned a grievance, that the church should have some connection with, and dependance on, the civil power; and, that the public provision made by the state, for the support of the church, should be in the disposal of the legislature. But, though the legislature has a most undoubted right to dispose of, and to set order to, every thing of a public nature; it has not, upon the principles of our constitution, a right to invade private property, without the consent of the proprietor, given by himself or by his representative. Nevertheless, it has, of late years, been declared to be law, and it is now the established practice, in our land, that, whoever dedicates any part of his property to the service of the church, or for the purpose of propagating the gospel, shall immediately forfeit his right of property, and have no voice or influence in the management and application of his own donation and endowment. This is not only a very great discouragement to pious donations, and to liberality for the purposes of propagating the gospel and of better accommodating the people of this nation with the gospel ordinances and with sacred edifices; but, it is against the first principles of natural justice, and contrary to the very spirit of our constitution, by which every private man is allowed to



be absolute master and sole disposer of his own property. If a man buys a piece of ground, and builds a tannery, a brewery, or a dog-kennel upon it, still his ground and his building remain his own, and no man is allowed to take them from him; but, if he should choose rather to build a church and a parsonage upon his ground, and to endow these with a competent salary for the entertainment of a clergyman, the better to accomodate the inhabitants of a too extensive parish, or of an increasing village or town, with the ordinances of the gospel; in that case, it seems, his neighbour, who happens to be patron of the next church, has only to come and tell him, " Sir, this church, this parsonage, this garden, this glebe, and the stipend affixed to the same, are, from henceforth mine: so, quit them; you have no more right of property or disposal in these premises than any other man; the whole is my property by law." This appears to be peculiarly hard, and inconsistent with all law and reason; as it is evidently most hurtful to the interests of religion and of the church.

It is known to all how very scanty and penurious our present church establishment is. Men are apt to run from one extreme to another. The piety of our ancestors of this nation induced them to dedicate too great a proportion of the national wealth, by far, for the support of the first established Christian church. Judging, with good reason, that this was one great cause of the idleness, corruption, and insolence of the popish clergy; the nation was much more moderate and sparing, in endowing the second

church establishment, I mean the protestant episcopal order of clergy. But, these, also, proving far more turbulent and tyrannical than useful to the community, especially the second set introduced at the restoration; our legislature having resolved upon the final establishment of our church, seem to have also determined that, if ever our clergy should degenerate and become corrupted, their wealth should not be assignable as the cause.

Accordingly, it is a well known fact, that, at the Revolution, there was not one half of the number of clergy established in this country that was necessary. It was with infinite industry, and after unwearied applications, that the church was able, during the ensuing forty years, to get as many kirks planted, and so disposed, by divisions, annexations, and every other means in their power, that the people, in general, might have a possibility, at least, of receiving some religious instruction. In the city of *Glasgow*, for instance, then a very populous place, and now containing above forty thousand people, there was one parish church. Other cities and towns, and the country in general, was supplied in proportion. And, the number is still far from being sufficient to accomodate the country, in any degree of proportion with other Christian establishments. It is unnecessary to tell the clergy of the scantiness of the endowments. And, as for the places of worship, they were mean and dirty to a reproach; except where some piece of an ancient church had, happily, escaped the rage of reformation. And, even, of these the decency of the outside was more than compen-

fated by the crowded and dirty appearance of the inside. So that it must be confessed, with *Samuel Johnson*, that the gospel then was, and still is, dispensed with a very parsimonious hand. Many fruitless applications were made by our church, to obtain some moderate share of the provision of former establishments, to remedy these defects, which were such as to raise the astonishment and contempt of as many foreigners as visited our country. But, it was found that, into whatever hands, private or public, the estates and tythes of former establishments had passed, they were determined to part with none of them.

The people of *Scotland*, thus deprived of the commodious dispensation of the ordinances of the gospel, by the penury of the ecclesiastical establishment, resolved to apply the best remedy they could, at their own expence. More especially of late years, since men began to live in more room, and in neater and more commodious habitations, at home, they grew tired of pigging together, in a dirty church, twelve or fourteen perhaps, in the space of six feet by two or three. In growing towns, and other populous or very extensive parishes, where the people could afford such expence, they resolved to build new and more neat and commodious churches, and to erect new parishes, trusting to the rent of the pews for making up the stipend. No sooner had the people adopted this much wanted plan, than the patron of the old parish put in his claim for the patronage of every new erection within his parish. This was very discouraging to the people who subscribed their



money, especially in the counties where men have been taught to be bigotedly wedded to the rule of *calling* ministers; having never before doubted, but they should have the free choice, in their own way, of the minister whom they paid, and for whom they had built a church. Two or three of the great cities, of some political consequence, and where the King was patron of the old parish, got delivered from so monstrous a piece of oppression, by toleration and connivance. But, wherever the attempt of a new erection was made, in a small town or country parish, the patron made his claim good, supported by the glosses of lawyers, without one express statute to the purpose, and not discountenanced, even, by the clergy.

The people, thus robbed of what they thought their clear and constitutional right, resolved to erect no more new parishes, but to build Chapels of Ease, of a temporary nature; to which the old patron could pretend no more title to present, than he could to name a man's domestic chaplain. Against this project, not only the patrons, but, the clergy of all denominations, those on both sides of the question concerning patronage, set their faces with the keenest animosity; and, those of the popular side of the question with, even, more eagerness than they who are called the moderate party. There is not, perhaps, in *Scotland* a presbytery which expresses such furious zeal against the law of patronage, as that of *Paisley*; and, yet, it was but last year that, besides the other discouraging restrictions under which they laid the Chapel of Ease at *Greenock*, they

attempted to make themselves patrons of it, and prosecuted their ambitious and ill-founded claim through all the church courts. There is one discouragement, under which it is laid down as a maxim, with the clergy of both sides of the question, to lay all Chapels of Ease, which is, not to allow them an ordained minister; by which means they are often obliged to change their teacher, however acceptable to them, there being some advantages on the establishment, particularly in the article of marriage, to which the preacher of a Chapel of Ease is not admitted.

This proceeding, in our country, and more especially in our clergy, appears very extraordinary, to any well-wisher of this church and nation; who is indifferent to all such wretched disputes and parties, otherwise than as they affect the public peace, and visibly tend to promote schism and disorder in the church. The ambition of a patron to engross the patronage of as many churches as he can get, is intelligible enough, and agreeable to the usual proceedings of mankind: but, that the clergy of *Scotland* should discourage the multiplication of their own order, and the increase of the number of ministers and churches, in a country in which more ministers and more and neater churches are so visibly wanted, seems very strange; and, that the most zealous declaimers for the pretended *liberties of the Christian people*, of all men, should never complain of the only real grievance attending the exercise of the law of patronage, and should be the greatest discouragers of every project by which the people can acquire the

right of choosing their own pastor, appears a perfect riddle. It is impossible not to conclude from it, that these gentlemen, with all their apparent zeal for *calls*, have too much good sense and regard for the honour and purity of the Church of *Scotland*, to wish that the qualifications and preferment of our ministers should really depend upon the judgment of the dregs of the people. Yet, even this argument will not account for their treatment of the Chapels of Ease, in which the election is generally vested in a few managers. Now, these being the chief contributors to the expence of the building, and persons of the better sort, and of some judgment and discretion, an election and call by such cannot be considered as any evil.

There must be some other reason at bottom. Those usually assigned are, that by new erections and Chapels of Ease, the old churches come to be less frequented, and the collections for the poor are proportionably diminished. Strange reasoning! But, is not the parish duty so much easier? Are not the people better accommodated? Are not the means of religious instruction diffused? And, if the offerings at one church door are lessened, can it be pretended that the people's charity, and the general provision for the poor are lessened? Can such trivial and ill-founded reasons induce the national clergy to be inimical to what is so obvious a benefit to the nation and to the church. Oh, but, the mother churches are less crowded. Certainly, that is the very intention. It is a strange instance of human vanity, that men should be so highly flattered by holding forth



to audiences so crowded, that what with coughing, and hawking, and sneezing, with the depth of the galleries, and elbowing and shoudering one another, a great part of the congregation can hear very little of what is said; rather than to moderate congregations, sitting at their ease, with nothing to distract their attention, or to obstruct their hearing and being edified. Nor, is it a less extraordinary instance of man's ambition, that the mere desire of having an influence in the distribution of a little more poor's money, from which no *Scotch* clergyman was ever suspected of deriving any advantage to himself, should so far warp men's reason.

But, besides these ostensible arguments, if they can be so called, there is still a latent and more cogent reason, why the preacher of a Chapel of Ease must not be ordained, and why new erections are little to be desired. I am ashamed to put it upon paper, however true and well known it is. If the people of *Scotland* were more commodiously supplied with the ordinances of the gospel, and every place of worship had an ordained minister settled in it; in that case, every congregation would, perhaps, communicate quietly with their own minister, and a very popular gentleman would not be heard so often to boast of the number of tables at his sacrament, and to pity a poor unhappy brother less followed, at whose sacrament there were not so many by two or three. This might look like exaggeration, if such boasts, and instances of an astonishing desire of a popular following, were not to be heard on most occasions of that nature. Yet, the hurry of a croud can hardly

be supposed to be favourable to the humility, devotion, self-examination and recollection, incumbent on all that participate of that holy ordinance. This is the reason why, in our sister protestant church, the rest of the congregation is dismissed with the benediction, after the usual service, and before the communion service begins to be read to the communicants alone. It is also the reason, why all the most grave and devout people abandon the crowded churches of great cities and towns, and retire to the most quiet country churches, at the stated seasons of partaking of the sacrament of the Lord's supper.

If, then, our church has grievances to complain of—and the increase of enthusiastic sectaries, together with the discouragement of new erections, must be allowed to be such—an alteration in the law of the church and of the land, with respect to the nomination of ministers to fill vacant benefices, is far more likely to introduce additional disorders and evils, than to remedy or alleviate those under which we now labour. A remedy is not to be looked for, but, rather, a progress from bad to worse, as long as so many bow the knee to that miserable empty idol of *popularity*; and while one of the great arts practised to procure a popular following is, by dunning it into the ears of the uninformed populace, that the church is in a conspiracy with the lay patrons for depriving them of their natural and legal rights. Our vulgar must be very wise and modest indeed, if they did not at last, give credit to what they have been so often assured of, and lay claim to what those who ought to know have so long affirmed to be their

clearest right, both by nature and by law. Yet does it seem little consonant to nature that the most ignorant, who stand in the greatest need of instruction, should be constituted the judges and choosers of their teachers. If this is nature, it must be allowed that all mankind have hitherto acted unnaturally, with whom it has been an universal and invariable maxim that, in all cases, the best informed and most knowing should either instruct the more ignorant themselves, or else provide and choose qualified teachers for them. And, if our people are all so thoroughly instructed in religious matters, as to be the properest judges of the qualifications of a teacher of religion, in that case, the office of a public teacher of religion is little necessary among us. The expence of the establishment may very well be saved to the nation, agreeably to the maxims of these reforming and oeconomical times. And, if any form of public worship is necessary, or decent to be kept up, that of the *Quakers* is far more suitable to such a nation of divines, than an expensive ecclesiastical establishment for the entertainment of public instructors, for which our people have so little occasion.

If the point of law, as the same has always stood according to the concurring and often repeated declarations of our ecclesiastical and civil legislatures, were any way doubtful, the doubt must be entirely removed, by reflecting upon the absolute dominion repeatedly exercised by our state over the temporalities of the church, resuming the whole at pleasure, and refunding as much to the succeeding establishment as was judged proper and expedient. We can



pretend to no legal title or security for the temporalities of our church which were not equally strong in favour of the popish establishment. Nay, the clergy of that establishment had securities for a great part of their revenues, which we have not, arising from the bequests and testaments of particular donors, which the state might be supposed to have less right to break through. Yet, upon the abolition of popery, in this nation, the whole revenue and estates of that church were seized by the state; and that, with the approbation of our church. The like absolute dominion was exercised by our legislature, with the approbation, and at the request, of our church, over the temporalities of the protestant episcopal church; and, in both cases, the whole revenues of the church were resumed or seized by the state, and such a share of them appropriated for the support of the succeeding ecclesiastical establishment, as to the wisdom of the legislature appeared most proper and conducive to the public good. If this was just, it must follow, that the state has an equal dominion over, and right to resume (if that should ever appear to be expedient) the endowments of our church, or of any future establishment. How then can it be called in question, with the face of reason, that the legislature has a right to direct the manner in which persons properly qualified shall be preferred to ecclesiastical emoluments? To maintain the contrary is to endeavour to graft popery upon the stock of presbytery. If the Church of *Scotland*, which has always denied the spiritual supremacy of the prince, were also to deny the dominion of the legislature

over the temporalities of the church, that were claiming an ecclesiastical jurisdiction altogether independent of the civil power, which is the very principle and foundation of popery. But, our excellent reformers, and the founders of our church, set up no such ambitious claims; nor were chargeable with the inconsistency of stealing in with one hand that popery which they openly and resolutely thrust out with the other. As they claimed for God the things which are God's, and for themselves, as his visible church, the right of drawing up articles of faith, and ordering all other matters of a spiritual nature, according to his word; so they left to *Caesar* the things which are *Caesar's*, and uniformly disclaimed all jurisdiction in temporal matters, such as stipends, parsonages, and glebes must be confessed, and were by them always confessed, to be.

It is, without doubt, a laudable ambition in a clergyman to desire to be popular; and, if any man can undertake a cure of souls, and yet be indifferent about the approbation and good liking of his parishioners of any denomination, he may justly be suspected of being deficient in some of the other qualifications requisite for the worthy discharge of the sacred function. It seems to be no less incumbent on a public teacher of religion to study to make himself and his doctrine acceptable to his hearers, by every means consistent with his duty, than it is on a physician to qualify his prescription so as to make the salutary, but nauseous, dose as agreeable to the palate of his patient as may be. The world are influenced not less by opinion than by interest;

and men are disposed to pay the greatest regard to his advice of whom they entertain a good opinion, and whom they consider as their well-wisher. But, the foundation of a clergyman's popularity ought to be laid in the dignity and purity of his own character; that is, in a gravity of manners qualified with affability, and in the conscientious discharge of the duties of his office, in such a manner that the principles of his conduct may appear to be genuine piety towards God, and humane benevolence towards men, not without a particular partiality for those committed to his own care. But, the popularity which is to be acquired by flattering the vulgar in their errors and prejudices, complimenting them upon their privileges and acquirements, telling them that they have natural and legal rights of which the church and the state conspire to rob them, and so alienating their minds from their rulers and teachers, is not more destructive of the public tranquillity than it is hurtful to the abused and misled people themselves. Genuine worth, unaffected piety, and the faithful discharge of his duty will always secure the respect and confidence of the people to their minister; except where their minds have been industriously poisoned and prejudiced, so that they can believe no man to be their friend who is not the enemy of the laws of both church and state.

It is the great misfortune of one corner of our nation, that there are too many votaries of the false idol of popularity, who employ their whole influence and powers of oratory, from the pulpit, in the church courts, and from the press, in affecting to maintain



and defend the pretended rights of the *Christian people*: rights such as were never vested in the populace either in our nation or in any other Christian community on earth, and such as it would be most prejudicial to the people themselves, as well as hurtful to the interest and honour of the church, to have lodged in their hands. In doing this, the gentlemen necessarily employ such seducing and inflammatory language, the argument being entirely against them, as, however they may intend it only to demonstrate the warmth of their affection for the people, directly tends, in its effect, to poison the minds of the populace against the national church, and to drive them into secession. I once saw a publication of this sort, well calculated to abuse and mislead ignorant minds, and to drive the vulgar out of the pale of our church. Its title was, I think, *The Patron's A, B, C*, or the like. The plan of it was a most profane *travesti* of the church catechism, and of all the words and phrases of holy writ used in it; for which the author, had he written upon a less popular subject, would, most certainly and most justly, have been compelled to run the gauntlet of all the church courts. And the matter was suitable to the manner, being nothing else but inflammatory and low declamation, and very unjust abuse of all our civil superiors, as the most tyrannical of men, and of the most respectable, and far the greatest number, of our clergy, as the most unprincipled, corrupt, and venal. According to our reverend author's alphabetical account of their character, no honest Christian could hold communion with such vile and prostitute ecclesiastics; and, it is to be sup-

posed, that such of his readers as knew no more of the matter than as he has represented it, and were disposed to take it on his word, are out of the communion of our church long ago.

I have also very lately seen a publication on this subject, very different, indeed, from the former, both in matter and manner. In this, the reverend and well-meaning author confesses that, though he always gave his voice for the support of law and good order, yet, he gave it with reluctance, because he wished the law had been different from what it is. He proceeds, in a very popular style, to chime in with those who declare for an alteration in our present ecclesiastical laws; and concludes with proposing his own plan of church settlements, which, he thinks, ought to be acquiesced in by the patrons, to give full satisfaction to the vulgar and to their leaders, to reclaim all the sectaries to the church, and to put an end to our discontents, disputes, and divisions, in matters ecclesiastical. How far these declarations will go, with the populace, towards atoning for the votes of so many years, betraying and robbing them of their pretended rights, I know not; but, the tendency of them to confirm and diffuse prejudices, and to increase discontent and schism, is obvious. This effect the honest gentleman's apologetic declarations and conciliatory proposals are likely to produce. The other good effects, with which he fondly flatters himself, are much more doubtful. It is very doubtful whether his plan is, at all, practicable; and, if it were, it seems morally certain that it would not give satisfaction to any of the

parties who express such discontent at the system of law under which our church has subsisted and flourished so long.

With regard to the practicability : if we may judge from the tenaciousness with which the crown and great freeholders retain the other spoils of the church, to some part of which the clergy, though not the populace, have no unreasonable claim ; it may justly be questioned, whether they will be very ready to make a present of the patronage of the Church of *Scotland*, their ancient birth right and inheritance, merely to gratify the ambition of a party of the vulgar, who wish to be patrons themselves, to which that order of men never had the least claim or pretension, at any period of time. How far the public spirit of our superiors might go, if it were a case in which the safety of the church and the happiness of the community were at stake, I will not say. In that case, much might be expected from them. But, here, a certain party of the lowest of the people demand that the temporalities of the church should be put in their hands ; that is, they demand that the King, nobility, and prime gentry should be stripped of an high privilege and part of their property, which contributes greatly to the support of their influence and authority : that the qualifications and promotion of ecclesiastics should be submitted to their judgment and caprice, to the manifest degradation, dishonour, and corruption of the clergy : and, that a foundation should be laid for popular commotions, tumults, feuds, and endless litigations, over the whole nation. In such a case,



I own that my hopes of success are not sanguine. The Church of *Scotland* is not likely to be ever prevailed upon to prefer a petition so little tending to promote her interest and honour; and, if she were to make a request big with so many probable ill consequences, her voice would, it is likely, be little regarded. But, supposing that both the patrons and the Church of *Scotland* were to agree to this very modest and reasonable demand of the party, can it be expected that the *British* Parliament will ever consent to detach the Church of *Scotland* entirely from the state, and to convert the present well-constituted Presbyterian establishment to a sort of heterogeneous mixture of popery and independence. The present Church of *England* makes no such high demand, and no church ever set up such pretensions in *Scotland*. The *English* papal church did once attempt to wrest from the civil power the entire disposal and dominion of the temporalities; but, the consequences of the ambitious enterprize were too calamitous to the nation to be ever forgotten. A similar demand could not fail to raise jealousies in the government, to which every well-wisher of the Church of *Scotland* would be sorry to see her exposed. While any vigour is left in our government, compliance cannot reasonably be expected—is not to be wished for. By trick of the Earl of *Melvil's* was the act of *calls* passed in 1690, as prelacy was restored, in 1662, by trick of the Earl of *Middleton's*. Each, judging the unsettled state of a new government a favourable occasion for attaching a party to his own person, which might prove subservient to

his future ambitious views, betrayed the confidence of his master, misrepresented his intentions in parliament, and acted contrary to his orders. And, in both cases, many years elapsed before government could apply a remedy to what had been thus introduced by the ambition and treachery of private ministers. But, it is to be hoped that our government is too firmly established, both in church and state, to be so surprised and taken advantage of.

As to the three-headed patron, there is not the smallest appearance or probability of that harmony and general satisfaction which the honest author promises himself from that project. Such a patron, who can be very seldom, if ever, expected to agree with himself, would be a new source of discord and litigation. And, if his three voices should chance, for once, to concur; yet, his choice would be as little acceptable to the populace as that of a single-voiced patron, wherever they have been taught to believe themselves to be the only rightful patron. Can it be supposed that the peasantry of *Fenwick*, who have openly declared that they never will acknowledge or submit to a minister who is not of their own choosing, would be better satisfied with the choice of a triple patron, than they are with that of their worthy and moderate single patron? Besides, if this or any other conciliatory project, short of the total subversion of our ecclesiastical constitution, could be supposed capable of satisfying the ambition of the seceding vulgar; in that case, a popular demagogue would have nothing more to do but to sit down quietly in his parish and discharge the duties of his function, with-

out any distinction to raise him above his fellows—a fate to which, it is to be supposed, he would not patiently or long submit.

As for reclaiming the actual seceders, that is an event rather to be desired than expected. Their ill-grounded prejudices are too inveterate, and their leaders are too deeply interested to keep up the separation, to expect their return so soon. And, people so long habituated to all the extravagance of sectarian enthusiasm, would not be likely to endure to hear the scriptures rationally interpreted, their duty explained, and their faults exposed, by a faithful Presbyterian pastor. So that, if they were to return, in this generation, they would be more likely to endeavour to leaven the rest of the lump, than ever to incorporate with us as true and moderate members of the Church of *Scotland*.

To expect that a whole people should think uniformly and alike, upon all points of religion and church government, where men are indulged in a freedom of thinking for themselves, is to expect what is not in human nature. In a free country, there will be a variety of opinions on such subjects, and a diversity of sects and modes of worship will arise. This is one of the natural effects of, and taxes upon, liberty; with which men ought to bear patiently and charitably, as long as such sects behave quietly and as becomes dutiful subjects. That will, generally, be the case, unless by opposition, and other indications of eagerness to suppress or reclaim them, their ambition should be roused, and their enthusiasm kindled into a blaze dangerous to the public



tranquillity. It is through the zeal of establishments for uniformity that sects and heresies are multiplied and rendered formidable and pernicious. They have never been known to yield to projects of conciliation and comprehension, any more than to measures of coercion and persecution. Men who have once seceded from an establishment are found to be too stubborn, and tenacious of every the least rag of a form, or title of a speculative opinion, to be ever gained back, upon any terms, to communion with those from whom they have once separated themselves. But, their sons and grandsons, if neither troubled nor regarded, are apt to become less stiff in the punctilious prejudices of the original sectaries. These often return to the mother church, of their own accord; which they will be the more ready to do, the less they find themselves to be courted or compelled to it. An inviolable toleration from the government, together with a steady moderation in the clergy, amounting to a seeming indifference for the loss of such as refuse to communicate with them, are the most successful methods of reclaiming sectaries. The example of the Church of *England*, for half a century past, and the present declining interest of the dissenters, the effect of her amiable temper and moderation, is worthy of attention and imitation.

But, however distant the hope may be of recovering those, who have separated themselves from us, it is a consideration worthy of the regard and care of every man who wishes the peace of our country and the prosperity of our church, how to prevent

the infection from spreading. And, in order to this, it is not in the laws of our excellent and well constituted church that a reformation ought to be attempted ; but in the passions of those men, who, having subscribed to a constitution of which parity is the very basis, aim at a species of distinction and pre-eminence above their brethren, more destructive of the peace and happiness of society than any legal and authorized disparity of rank. Union and public peace are best promoted and preserved by teaching, according to the gospel rule, respect and obedience to the laws and powers in being ; and not by declaiming against them, and preaching up and encouraging disobedience and resistance, even if they were more obnoxious, and more indisputably unjust and prejudicial, than the power of the patrons and the laws by which it is established can be pretended to be. There is a method of conducting matters, by which the peace of the greatest part of our church and country has been hitherto preserved, and schism and secession kept out ; the practice of which seems to promise best for restoring some share of tranquillity to the quarter, in which distraction and separation have so long prevailed, and threaten to make still greater progress. The method is simple, and easy where it is practised, and not difficult to be introduced where it is not ; being briefly this. The clergy live, in general, upon terms of familiarity and confidence with the gentry ; and the gentry and clergy unite their authority and influence to preserve the country from disorders and schisms, which tend not more to obstruct the spiritual labours of the one, than they

are prejudicial to the temporal interests of the other. The gentlemen very usually set the example of paying the presentee, of whom they themselves have made choice, the compliment of not only signing his call, but also of countenancing his ordination and settlement with their presence. The general influence which this has upon the peasantry who live upon their estates, and upon others of their dependence, need not be mentioned. By these means, the whole burthen and *odium*, where any is likely to arise, is never left upon the clergy alone. Where any opposition to the presentee is likely to be formed, which is not rarely the case, the authority of the gentlemen is ever ready to co-operate with the persuasive influence of the clergy; and, where both these orders, their natural superiors and teachers, concur, the people, if not shamefully neglected and outraged, are never refractory. Perhaps a little noise is made, which is not carried beyond the synod, if so far: the presentee is settled, and is soon able, if a man of worth, to convince his parishioners that he merits their submission and confidence: and, by these simple means, settlements are made comfortable, the clergy are made useful to their people, and the people are attached to their ministers, and discover no inclination to secede from them.

It is not that the populace north of the *Tay* and of the *Oichel* chain of mountains are less ambitious than their neighbours to the south and south-west of them. It is not that many, very many, of the northern clergy are not as zealously attached to the method of *calls* as any of their brethren of *Perth*



and *Stirling, Glasgow* and *Ayr*, or any other synod whatsoever: but, these ministers look upon schism from the Church of *Scotland* as a far greater evil than patronage; they had rather, however reluctantly, submit to the latter for ever, than expose themselves and their people to the calamities of the former; nay, they would sooner renounce *popularity* itself, to the charms of which they are far from being insensible, than court it at the expence of infusing prejudices into the minds of their hearers against the supreme judicatory and decisions of their own church.

These are no refined or difficult arts, but such, it would seem, as might be most easily practised in every part of *Scotland*. How, then, comes it that individual clergymen are heard to complain every day, and sometimes whole presbyteries, that all the weight and *odium* of forced settlements is left upon them, while the gentry give themselves no manner of trouble about the matter? Nay, the instances are common of appeals to the General Assembly, for their peremptory order that a presentee may be inducted, in cases from the state of which it appears clearly, that a little humane attention and pains bestowed upon the people, before they had got themselves too far engaged in opposition, would have secured a comfortable settlement for the presentee, and saved a whole parish from running passionately and precipitately into the expence, embarrassment, and guilt of secession. It cannot, with any justice, be supposed, that the gentlemen of the south and south-west are more regardless of the concerns of religion, and of the interests of the church, than those of the north-

east and north. With as little reason can it be suspected, that the former are worse judges of, or less sensible to, their own most obvious temporal interest, than the latter appear to be. And, every freeholder, of the least reflection, knows how prejudicial it is to his interest, that his peasantry should run into a secession, of which the effect must be, that a certain portion of that money, which ought to make good his rent, is diverted to another, and that a worse purpose. He must know, that many a poor farmer and cottager advances, nay, borrows money, to build a church and manse, and make good his subscription towards a salary, for a *Burgher*, *Anti-Burgher*, or *Relief* apostle, while he is falling more and more behind, every year, in his payments to his landlord. To say nothing of the distress that this must bring upon the half-starved wretches themselves, the necessary consequence must be the bankruptcy of many of those unhappily deluded subscribers, and their little farms and tenements falling upon the landlord's hands unoccupied, in addition to the previous deficiency in the payment of rents. Few landlords, of any considerable property and standing, but must have experienced less or more of this, in the counties and districts in which secession is become fashionable. Whence should it arise then that these gentlemen are chargeable with such supine negligence, and apparent indifference, in a matter in which their interest is so deeply concerned? Not from unconcern about their own interest; not from inattention to their people, with whose welfare their own interest is closely connected; not from indifference about the

religion and church in which they were baptized and bred: any supposition of that sort would be unjust and absurd. Yet, the fact, which, in many places, is visible and unquestionable, must proceed from an adequate cause.

If I might venture to assign the probable cause—and far be from me to mean to say an invidious thing of any part of an order of men of whom I love and respect the whole—there is reason to believe, that the behaviour of some of those usually termed the *popular* party of the clergy may have provoked the nobility and gentry of their bounds, in some measure, to withdraw their countenance and support. It cannot well be, but the declamations of more than half a century, against the right vested in, and power exercised by, the higher order of men in the nation, of nominating ministers, or procuring the nomination of them, must have excited some indignation in those against whom so much zeal and fury was pointed. They may have been roused and provoked so far, as to be willing to convince the clergy, even at the expence of some part of their own interest, that, as the church, in general, ought to be connected with, and dependent on, the civil power, so individual churchmen ought to cultivate the friendship, and court the protection, of the men of influence within their own bounds. As the populace of *Scotland* must have been more than men, not to have been roused to disorder and secession, by having been told, so often and so long, that they were iniquitously robbed of what belonged to them by the law of reason, by the law of the land, and by the law of the



gospel; so must the nobility and gentry have been more patient and forgiving than angels, if they showed no symptoms of displeasure, at such violent and persevering, however impotent, attempts to wrest from them, what the laws of their country have so firmly secured to them, from time immemorial, and what, therefore, they cannot help considering as their natural birth-right and most undoubted inheritance.

In conclusion, then, it is most humbly and earnestly submitted to the serious consideration of the landed interest and clergy of the seceding districts, whether it is not high time to unite their whole authority and influence, to put a stop to so great and growing a national evil. The clergy, in particular, are conjured and obtested, as they value the peace of their country, the happiness of their people, the prosperity of their church, and the honour of their order, to refrain from those speeches and proceedings, by which the ignorant vulgar have been taught to imagine that they have rights, which never were, which are not now, and which ought not to be, vested in them. It is true, it is not easy for men to bring themselves suddenly to contradict and counteract what they have been saying and doing for a long course of time. We are more disposed to reform any thing than ourselves. But, it is easy for all those, who are convinced of the propriety and expediency of so doing, to abstain from inflammatory harrangues and fruitless overtures against patronage; to recommend peace and good order to the people, as their undoubted duty, and as the most likely means of obtaining every reasonable compliance with their

wishes; to forbear futile and impotent threats of renouncing all connection with the gentry, and associating with the populace for the recovery of their alledged rights; to proceed unanimously to the settlement of every duly qualified presentee, in terms of the act of assembly 1649, without affecting reluctance, or granting delays, on account of any popular opposition for which no other reason can be assigned besides the intervention of a presentation; and, wherever there is ground to apprehend a great and general opposition, which may end in secession, to apply for the countenance and aid of the gentlemen, and, in concert with them, to use all proper means to influence the people to a peaceable and dutiful behaviour, before it is too late and they are too far engaged to be reclaimed. It cannot be doubted but the proprietors and other gentlemen of every parish will, on proper application, most readily concur, with all their authority and influence, for compassing an end in which their interest is much more concerned than that of the clergy.

By the steady practice of such means, not without every appearance of tenderness for those prejudices which some of the vulgar have unhappily been too long taught to entertain, there is every reason to believe, that all those parishes may be preserved in the communion and peace of the church, which as yet remain entire, or but partially tainted with the poison of secession. But, as long as any party of the established clergy unite with the sectaries, in misleading the ignorant populace, and in alienating their minds from the national constitution of the

church and state, there is nothing to be looked for but an increase of discontent, confusion, and schism; to the great grief of every well-wisher to this church and country, and to the heavy loss and expence of the poor people who are so abused and driven away from our communion.

F I N I S.





